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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : 13-CR-607 (JFB)

-against- : U.S. Courthouse

: Central Islip, New York

PHILLIP A. KENNER
a/k/a "Philip A. Kenner",
and :
TOMMY C. CONSTANTINE
a/k/a "Tommy C. Hormovitis"

Defendants : June 6, 2015

- - - - - X 9:30 a.m.

BEFORE:

HONORABLE JOSEPH F. BIANCO
United States District Judge
and a jury

APPEARANCES:

For the Government: KELLY T. CURRIE
Acting United States Attorney
Federal Plaza
Central Islip, New York 11722
BY: JAMES M. MISKIEWICZ
SARITHA KOMATIREDDY
Assistant U.S. Attorneys

For the Defendant: HALEY, WEINBLATT & CALCAGNI LLP
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Islandia, New York 11749
BY: RICHARD HALEY

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RUCCHIN-DIRECT-KOMATIREDDY

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1 For the Defendant: LaRUSSO & CONWAY LLP
 2 Tommy C. Constantine 300 Old Country Road
 3 Suite 341
 4 Mineola, New York 11501
 5 BY: ROBERT P. LaRUSSO
 6 and
 7 ANDREW L. OLIVERAS
 8 26 Strangford Court
 9 Oceanside, New York 11572

7 Court Reporter: RONALD E. TOLKIN, RPR, RMR, CRR
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10 ***

11 THE CLERK: Calling case 13-CR-607, U.S.A. versus
 12 Kenner and Constantine.
 13 Counsel, please state your appearance for the
 14 record.
 15 MR. MISKIEWICZ: Good morning, Your Honor.
 16 James Miskiewicz for the United States.
 17 THE COURT: Good morning, Mr. Miskiewicz.
 18 MS. KOMATIREDDY: Good morning, Your Honor.
 19 Saritha Komatireddy for the United States.
 20 THE COURT: Good morning, Ms. Komatireddy.
 21 MR. LaRUSSO: Good morning, Judge.
 22 Robert LaRusso for Mr. Constantine.
 23 THE COURT: Good morning Mr. LaRusso and Mr.
 24 Constantine.
 25 MR. OLIVERAS: Good morning, Your Honor.

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1 Andrew Oliveras for Mr. Constantine.
 2 MR. HALEY: Richard Haley for the defendant, Phil
 3 Kenner.
 4 Good morning, Your Honor.
 5 THE COURT: Good morning, Mr. Haley and Mr. Kenner.
 6 All right. The jurors are all here. Are we ready
 7 to go?
 8 MR. MISKIEWICZ: Yes.
 9 THE COURT: Let's bring in the jury and Mr. Rucchin.
 10 (Witness Steve Rucchin resumes the stand.)
 11 THE CLERK: All rise.
 12 (Whereupon the jurors enter the courtroom at
 13 9:47 a.m.)
 14 THE COURT: Please be seated.
 15 Good morning, members of the jury.
 16 ALL JURORS: Good morning.
 17 THE COURT: I hope you're doing well this morning.
 18 We're going to continue with the trial. As you recall,
 19 yesterday Mr. Rucchin was on direct examination. We will
 20 continue from that point.
 21 Mr. Rucchin, I'll remind you that you are still
 22 under oath.
 23 Do you understand.
 24 THE WITNESS: Yes, Your Honor.
 25 THE COURT: Please continued.

1 STEVEN RUCCHIN,
 2 called as a witness, having been previously duly
 3 sworn, was examined and testified as follows:
 4 THE COURT: Go ahead.
 5 CONTINUED DIRECT EXAMINATION
 6 BY MS. KOMATIREDDY:
 7 Q Mr. Rucchin, when we left off yesterday we were talking
 8 about your investment with Mr. Kenner in 2009. Did there come
 9 a time you learned about something called the Global
 10 Settlement Fund?
 11 A Yes, I did.
 12 Q Tell us about it.
 13 A It would have been May of 2009. He approached me about a
 14 Global Settlement Fund. It was to try to pool investor's
 15 money in order to pay for the lawyers to file a lawsuit
 16 against a Mr. Ken Jowdy that had -- that was in charge of a
 17 Gulf development that we were investors in in Mexico.
 18 Q When you say "he" approached you, who approached you?
 19 A Phil did.
 20 Q How did that approach happen?
 21 A My best recollection would have been just by a telephone
 22 call.
 23 Q Did you have any meetings?
 24 A Yes. He suggested that I fly down to Phoenix to meet
 25 with him and Tommy Constantine to discuss the Global

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1 Settlement Fund.
 2 Q Did you?
 3 A I did, yes.
 4 Q Would you recognize Mr. Constantine if you saw him today?
 5 A Yes, I would.
 6 Q Is he present today?
 7 A Yes, he's present today.
 8 MR. LaRUSSO: I concede the identification, Your
 9 Honor.
 10 THE COURT: Identification is conceded.
 11 Q During that meeting and in those phone calls, what did
 12 the defendant say the money in the Global Settlement Fund
 13 would be used for?
 14 A It would be going to the use -- to pay for legal fees for
 15 lawyers toward that lawsuit.
 16 Q What specific -- any lawyers or specific lawyers?
 17 A One specifically, Mr. Ronald Richards.
 18 Q What was the nature of the suit that you were
 19 authorizing?
 20 A Apparently that Mr. Jowdy was misusing our funds of the
 21 investors in that property.
 22 Q Did you decide to participate in the Global Settlement
 23 Fund?
 24 A I did, yes.
 25 Q I'm going to show you what is in evidence as Government

| | |
|--|--|
| <p style="text-align: center;">RUCCHIN-DIRECT-KOMATIREDDY</p> <p style="text-align: right;">2751</p> <p>1 Exhibit 1508. It'll be on your screen. It's a wire request</p> <p>2 on your behalf, May 22nd, 2009, in the amount of \$50,000.</p> <p>3 Does that fairly and accurately represent your contribution to</p> <p>4 the Global Settlement Fund?</p> <p>5 A That is correct.</p> <p>6 Q Now, after you contributed to this fund, were there any</p> <p>7 conference calls discussing the use of the funds?</p> <p>8 A There were. There were some conference calls with all of</p> <p>9 the investors in the group.</p> <p>10 Q What do you remember discussing in these calls?</p> <p>11 A That's difficult. But it was basically just how things</p> <p>12 were proceeding, the fight against Mr. Jowdy. He was the bad</p> <p>13 guy, supposedly. And you know, we were going to go after him</p> <p>14 and just continue, and it was going to be a process.</p> <p>15 Q Now, in that initial conversation about the Global</p> <p>16 Settlement Fund, the phone call, the meeting, and also at the</p> <p>17 later conference calls, did you ever authorize your money to</p> <p>18 go to other projects such as an Air Park in Scottsdale,</p> <p>19 Arizona, one or more airplanes for Eufora?</p> <p>20 A I did not, no.</p> <p>21 Q What about two Palm condominium units in Las Vegas?</p> <p>22 A No.</p> <p>23 Q Would you have given any money to the Global Settlement</p> <p>24 Fund if you thought your money would be used for any of those</p> <p>25 projects?</p> | <p style="text-align: center;">RUCCHIN-CROSS-HALEY</p> <p style="text-align: right;">2753</p> <p>1 A I did not, no.</p> <p>2 MS. KOMATIREDDY: No further questions.</p> <p>3 THE COURT: Cross-examination.</p> <p>4 MR. HALEY: One moment, Your Honor.</p> <p>5 CROSS EXAMINATION</p> <p>6 BY MR. HALEY:</p> <p>7 Q Mr. Rucchin, good morning, sir.</p> <p>8 A Good morning.</p> <p>9 Q Your last comment that you never sued Phil Kenner because</p> <p>10 you were still hoping to get your money back, you recall that</p> <p>11 answer to that question, correct?</p> <p>12 A Yes. He was my only chance to get any money back.</p> <p>13 Q Do you know, sir, the status of any litigation that Phil</p> <p>14 Kenner commenced for your benefit, and let's say others,</p> <p>15 against Mr. Ken Jowdy in connection with the business</p> <p>16 transactions? Do you know the status of any of those</p> <p>17 lawsuits?</p> <p>18 A I do not, no.</p> <p>19 Q Do you know for a fact, sir, as you sit here today, that</p> <p>20 your money is absolutely lost? That is to say you know for a</p> <p>21 fact, as you sit here today, that there are not proceedings</p> <p>22 and opportunities based upon efforts by Phil Kenner to obtain</p> <p>23 not only the return of money you invested in Eufora but also</p> <p>24 the return of money you invested?</p> <p>25 A Sorry. Are you telling me that right now or are you</p> |
| <p style="text-align: center;">RUCCHIN-DIRECT-KOMATIREDDY</p> <p style="text-align: right;">2752</p> <p>1 A I would not have, no.</p> <p>2 Q Is Mr. Kenner still your financial advisor?</p> <p>3 A He is not, no.</p> <p>4 Q What happened?</p> <p>5 A I believe it was probably towards the end of 2010, I just</p> <p>6 moved my money away, ended our financial advisor relationship.</p> <p>7 Between the letters coming in from Northern Trust and the</p> <p>8 subpoenas from the FBI for my statements, and all the</p> <p>9 litigations going on, I just had enough of that relationship</p> <p>10 and it was time to move on.</p> <p>11 Q Did you ever sue Mr. Kenner?</p> <p>12 A No, I did not.</p> <p>13 Q Why not?</p> <p>14 A Well, you know, before, way before I even found out about</p> <p>15 Northern Trust, between the three land deals and Eufora I had</p> <p>16 a million dollars of my own money invested. And, really, Phil</p> <p>17 was the only avenue I had to try to get any of that money</p> <p>18 back. So, you know, I still had trust in him and I was hoping</p> <p>19 that he was going to be able to get the money back. That's</p> <p>20 why I never went that route.</p> <p>21 Q Did you ever get money back from your investment in</p> <p>22 Eufora?</p> <p>23 A I did not, no.</p> <p>24 Q Did you ever get money back from contributing to the</p> <p>25 Global Settlement Fund?</p> | <p style="text-align: center;">RUCCHIN-CROSS-HALEY</p> <p style="text-align: right;">2754</p> <p>1 making a statement that I -- that there's nothing going on?</p> <p>2 Q Yes. Do you know for a fact that there is nothing going</p> <p>3 on as relates to those matters?</p> <p>4 A I don't know 100 percent. But I would probably have to</p> <p>5 say 99 percent I would say, yes. If you had to ask me,</p> <p>6 there's nothing going on.</p> <p>7 Q Well, do you know the status of a claim by Phil Kenner to</p> <p>8 recover from Ken Jowdy approximately \$5 million, plus interest</p> <p>9 running at 15 percent, with respect to money loaned out of the</p> <p>10 Hawaii project to Mr. Jowdy? Do you know the status of that?</p> <p>11 A I do not, no.</p> <p>12 Q Do you know the status of your investment in Eufora?</p> <p>13 That is to say -- withdrawn.</p> <p>14 As you sit here today, do you have an understanding</p> <p>15 that you have an ownership interest in Eufora LLC?</p> <p>16 A If it exists, sure. I should, I invested in it.</p> <p>17 Q I would agree.</p> <p>18 Do you know, sir, whether or not that investment</p> <p>19 that you have in Eufora, Eufora LLC, that's represented by</p> <p>20 you're ownership interest, do you know as you sit here today</p> <p>21 whether that is wholly valueless or whether or not that has</p> <p>22 some value, yes or no?</p> <p>23 A I don't know.</p> <p>24 Q What was your understanding of the business that Eufora</p> <p>25 LLC was engaged in?</p> |

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1 **A Prepaid credit cards that help people with their credit**
2 **rating.**
3 **Q** Mr. Rucchin, you graduated, did you not, with a four-year
4 degree from the University of Canada? Is that the correct
5 college?
6 **A Western. University of Western. Canada would be a**
7 **pretty good school, I guess.**
8 **Q** Yes. All right. So it is the University of Western?
9 **A Western University.**
10 **Q** You obtained a four-year degree, is that correct?
11 **A Yes.**
12 **Q** With reference, let's say, to the Hawaii land
13 development, as well as Eufora, what was presented to you by
14 Phil Kenner with respect to those two investments? Based on
15 his presentation to you it appeared to be a practical
16 investment, isn't that true?
17 **A From his presentation, yes.**
18 **Q** When he made that presentation -- I know this goes back
19 some period of time -- did he answer any and all questions you
20 might have with respect to those investments? You know, Phil
21 tell me more about the Hawaii project. Eufora, how does this
22 credit card business work? Did he answer any of those
23 questions you might have?
24 **A If I had a question he would have answered it. Phil**
25 **likes to talk.**

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1 **Q** But you don't have a sense, as you sit here today, that
2 when he made the recommendations to you with reference to
3 those investments he was in any way evasive, true?
4 **A That is correct.**
5 **Q** And indeed, based upon his presentation to you, you made
6 an independent -- and again, based upon information he
7 presented to you -- independent reasoned decision given your
8 educational background to say yes, go ahead?
9 **A My degree was in biology, not business. But independent,**
10 **not necessarily. I had to give the okay. But Phil was my**
11 **trusted financial advisor and a trusted friend as well.**
12 **Q** I understand. You were a biology major?
13 **A Correct.**
14 **Q** Did you take like calculus?
15 **A Unfortunately, yes.**
16 **Q** Sir, the course of study referenced to a biology major,
17 that was a pretty rigorous course, was it not?
18 **A Yes.**
19 **Q** So my question is this, sir. Given your educational
20 background, whether you took business or not, when Phil
21 presented this opportunity -- when Phil presented to you the
22 Hawaii land development as well as Eufora, it's fair to say
23 that, based on his presentation you, at that point in time you
24 made an independent decision to participate in those
25 investments?

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1 **A Yes, I would have contemplated the decision.**
2 **Q** Now, with reference to the line of credit. I know you
3 told us on direct that Phil, based on your memory, assured you
4 that the line of credit as secured by your bond was a safe
5 vehicle by which you could invest in Hawaii, is that correct?
6 **A A line of credit through a financial institution such as**
7 **Northern Trust, I would think, would be as solid as can be.**
8 **Q** Right. You had an understanding it would be
9 collateralized by a bond, correct?
10 **A I didn't have a huge understanding of why it's being**
11 **billed this way. There was a little bit of -- you know, I was**
12 **having a hard time grasping what was going on. I knew I made**
13 **that first \$100,000. And like I said, it started with a**
14 **\$500,000 line of credit and then we talked and we upped to a**
15 **million. But it's a line of credit. So why would I think**
16 **that money would be going anywhere else, except staying where**
17 **it is and then Northern Trust taking money out.**
18 **Q** Well, my only question, sir, is, the testimony yesterday,
19 as I recall, Phil told you that this was a risk free line of
20 credit to be used with the Hawaii venture.
21 **A Well, I don't know how that works. But that's -- yes. I**
22 **was -- unless something was risk free, a million dollars is a**
23 **lot of money.**
24 **Q** I don't dispute that a million dollars is a lot of money,
25 sir. My question is, you understood at that point in time --

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1 **A From my understanding, there was absolutely no risk in**
2 **getting a line of credit with Northern Trust.**
3 **Q** I understand that. My question is, you understood that
4 your line of credit was -- and I heard you say, and you said
5 it repeatedly and I understand that, you were told it would be
6 risk free. You understood that your line of credit was going
7 to be utilized and committed as part of the Hawaiian venture,
8 correct?
9 **A Somehow it was related that -- I wasn't really sure at**
10 **the time, and I'm still not sure.**
11 **Q** Did you ask specific questions of Phil Kenner when he
12 spoke to you about the line of credit being -- in this Hawaii
13 venture being risk free? Did you ask specific questions of
14 him about how the line of credit was going to be utilized with
15 reference to the Hawaii venture?
16 **A I don't believe I did. I just took -- I just trusted**
17 **Phil completely. If he suggested it was a good idea, then to**
18 **me that was -- that was all that I needed from him.**
19 **Q** Well, all those questions were asked yesterday by the
20 government about would you have committed your line of credit
21 if it was going to be utilized for various purposes. You
22 remember that, all of those questions?
23 **A Yes.**
24 **Q** You saw the charts. Do you remember that?
25 **A Yes.**

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1 Q Well, in point of fact there was never any representation
2 one way or another during that conversation that you had with
3 Phil Kenner as to how your line of credit would be used except
4 for telling you that it would be risk free, correct?
5 A **Yeah, I can't recall except what it may have been used
6 for, except towards Hawaii somehow, and it was risk free, yes.**
7 Q Did you have an understanding at that point in time that
8 your line of credit, based on your conversations with Phil
9 Kenner, was not the only line of credit, there were other
10 lines of credit coming from other hockey players that were
11 going to be utilized as part of the investment vehicle for
12 Hawaii?
13 A **I believe that is correct, yes.**
14 Q All right. So at least that point based upon that
15 representation to you, you had an understanding that your line
16 of credit was set to go into a pool with other lines of
17 credit, true? Isn't that a fair statement?
18 A **I can't say yes to that. I didn't know what Phil's
19 intentions were, whether he would put it into a pool or not.
20 I was just saying that I can't agree to that statement that
21 Phil was putting it into a pool. All I knew is I was getting
22 a line of credit, other people were, what he was doing with it
23 and whether he was putting it in a pool or not, I can't answer
24 that. I don't know that.**
25 Q All right. Well, you understood that your line of credit

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1 as related to the Hawaiian venture was not the only line of
2 credit that was being devoted to the Hawaiian venture?
3 A **For other people, that is correct.**
4 Q Now, over a period did you receive information, let's
5 begin with documentary information, from Phil Kenner with
6 reference to the Hawaiian project?
7 A **The -- yes, all of the legalese, that -- whatever you
8 would like to call it.**
9 Q I don't know what I would call it, but go ahead.
10 A **The legal documents about the investments and they're
11 actually was one, whether it was, I don't know. I received
12 documentation, if that is what you are asking. I received
13 something from Phil.**
14 Q Do you have any doubt in your mind as you sit here today
15 that the Hawaiian project was not, was somehow fictitious?
16 A **I never saw the piece of property, I took his word on it.**
17 Q I'm sorry?
18 A **I never saw the property. I took his word on that.**
19 Q Very well. And that word of Phil Kenner was supported at
20 least by documents that you characterized as legal documents
21 that you received from Phil, true?
22 A **That there was some type of company, yes, by name.**
23 Q And does the name Little Isle IV mean something to you?
24 A **Correct, yes.**
25 Q Do you recall, sir, with reference to the documents that

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1 you received from Phil Kenner whether the Little Isle IV
2 operating agreement was contained within that?
3 A **That line, yes.**
4 Q And, sir, as relates to the content of that document, the
5 Little Isle IV operating agreement, do you recall reading it?
6 I mean, you recall reading it?
7 A **I did not, no. It was about three inches thick, if not
8 bigger.**
9 Q Well, are you referring to the specific document called
10 the Operating Agreement itself, or are you referring to the
11 collection --
12 A **The collection, yes. The actual operating agreement, no,
13 I would not have read it from front to end.**
14 Q If I were to suggest to you, sir, and I don't want to
15 belabor the record, the operating agreement itself was seven
16 pages. Does that refresh your recollection?
17 A **It does not, no. It came in one big, like I said,
18 few-inch package. So I would not have just read the first
19 seven pages.**
20 Q Sir, as you sit here today do you have any reason to --
21 well, I will withdraw that.
22 With reference to whatever you did read that you
23 received from Phil Kenner, did you have an understanding that
24 Phil Kenner was the managing member of Little Isle IV, LLC?
25 A **Yes.**

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1 Q And do you have today, or did you have then, an
2 understanding as to what the obligation -- what obligations
3 Phil assumed as the managing member with reference to the
4 commitment of your LLC, the development of the property,
5 things of that nature?
6 A **I did not know anything about that.**
7 Q In addition to receiving documentary evidence with
8 reference to Little Isle IV Hawaiian project, would Phil
9 answer any questions you might have as relates to the progress
10 with respect to that project?
11 A **I believe if there was any progress he would have, but to
12 my recollection there was no progress, so there was really
13 nothing to ask. I'm sure at the beginning we might have
14 talked about it a little bit, but as time went on, there was
15 nothing. I don't know if there was any progress. I don't
16 believe that there was.**
17 Q Well, do you recall whether or not when you made the
18 decision to invest in the Hawaiian project --
19 A **Actually I know there was no progress -- I'm sorry to
20 interrupt you. But according to him it was just a piece of
21 land for a good period of time, so...**
22 Q Do you recall, sir, that during the course of the
23 conversation that you had with Phil as relates to the Hawaiian
24 project, you were aware that the timeline on the project could
25 be five years, perhaps as far as 20 years? Do you have a

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1 recollection of that?

2 **A I do have a recollection of a timeline, and it was not a**

3 **very short one.**

4 **Q** Not a very short one, true?

5 **A Yes. I had an understanding that any development would**

6 **take some time.**

7 **Q** And with reference to the progress report to the extent

8 that they -- you made inquiry of Phil telephonically or

9 otherwise, do you have a recollection of him telling you that

10 though the project with Mr. Peca had a great deal of potential

11 for profitability, there were obstacles in terms of getting

12 permits and things of that nature to not only purchase, but to

13 develop the land that was being purchased. Do you recall

14 things like that?

15 **A In that particular project I don't recall having a**

16 **conversation like that, no.**

17 **Q** I don't know if you testified to this yesterday but,

18 maybe, you said you never actually visited Hawaii and looked

19 at --

20 **A I did not, no.**

21 **Q** At the time, sir, that you made the decision to invest in

22 the Hawaiian project, I know you told us it was risk free, you

23 never saw that as a different type of investment than would be

24 served with stocks and bonds?

25 **A Repeat that.**

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1 **Q** Sure. When you decided to invest -- by the way, the

2 original hundred thousand and later your commitment of your

3 line of credit, you saw that as a different type of

4 investment, did you not, than served with stocks and bond?

5 **A I did, yes.**

6 **Q** And in that respect you saw it as having the potential to

7 be -- to succeed, be quite profitable, giving you a

8 significant return on your investment, that is indeed why you

9 invested, correct?

10 **A A real estate investment, yes.**

11 **Q** But it was a real estate investment in Hawaii, correct?

12 **A Yes.**

13 **Q** And even if you've not been to Hawaii, you have an

14 understanding of just the natural beauty of the Hawaiian

15 Islands?

16 **A Correct.**

17 **Q** Now, with respect to the second investment that you made

18 in Eufora, and the questions asked of you yesterday by the

19 government before we broke, I am going to read, sir, into the

20 record just to set the background of my question what the

21 record reflects. This would be page 2733, line 24 (reading):

22 "QUESTION: In looking at the outgoing money" --

23 THE COURT: Just so the record is clear, you're

24 reading from his testimony yesterday?

25 MR. HALEY: Yes, I apologize. From the testimony

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1 yesterday. Thank you.

2 **Q** (Reading):

3 "QUESTION: In looking at the outgoing money on

4 February 19, 2009, do you see \$100,000 going out to someone

5 named Timothy Gaarn?

6 "ANSWER: I do, yes.

7 "QUESTION: At that time, did you know who Timothy

8 Gaarn was?

9 "ANSWER: The name is familiar. I'm not sure, I

10 can't say for certain if he was strictly an investor or he was

11 part of the operating of Eufora as well. He was involved

12 somehow."

13 And then the next question, which is a

14 straightforward question (reading):

15 "QUESTION: Did you authorize your money to go to

16 Timothy Gaarn to buy his shares in the company?

17 "ANSWER: I did not, no."

18 Now, after you gave the answer, meaning, "Timothy

19 Gaarn, the name is familiar. I'm not sure, I can't say for

20 certain if he was just strictly an investor or he was part of

21 the operating of Eufora as well. He was involved somehow."

22 You were not asked at that point by the government to explain

23 to the jury, to the best of your memory, as to how he was

24 involved. But with that said, it was a very specific question

25 of whether you authorized your money to be used to purchase

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1 these shares.

2 My question to you is this, sir. This conversation

3 you had with Phil Kenner as related to the second investment

4 that you made in Eufora in 2009, where were you when that

5 conversation occurred?

6 **A I cannot tell you where I was in February of 2009.**

7 **Q** Do you know, was anyone in your presence when this

8 conversation occurred?

9 **A I do not think I would be -- I assume I was on the**

10 **telephone with Phil. I don't think I would be in someone**

11 **else's presence discussing investments of money, no.**

12 **Q** Well, at that point in time, were you married at that

13 point in time?

14 **A No.**

15 **Q** So this wasn't on, say, a speakerphone, correct?

16 **A No.**

17 **Q** You did have a recollection, as I read to you, that the

18 name Timothy Gaarn was familiar and went on to say, "I can't

19 say for certain if he was strictly an investor or he was part

20 of the operating of Eufora as well. He was involved somehow."

21 So at least when asked by the government, initially,

22 and you were reconstructing the conversation that you had with

23 Phil Kenner where you decided to make the investment a second

24 time, the name Timothy Gaarn came up in that conversation,

25 correct?

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1 **A I have no idea. I don't remember at all.**
 2 **Q** Well, when you say you don't remember that at all, I take
 3 it, sir, you don't --
 4 **A I don't know why his name would come in the conversation**
 5 **about making an investment in Eufora.**
 6 **Q** Well --
 7 **A The conversation was Phil talking about Eufora and how**
 8 **it's a great time to put more money into it. That's all that**
 9 **I remember.**
 10 **Q** I guess the record will speak for itself, sir, but
 11 Timothy Gaarn was mentioned to you in some way in that
 12 conversation with Phil Kenner?
 13 **A I can't say that for certain, no. I -- I don't recall.**
 14 **Q** Well, do you recall Phil Kenner telling you in sum or
 15 substance that Timothy Gaarn had acquired an ownership
 16 interest in Eufora, and what you were purchasing was a
 17 percentage of his ownership interest when you are making this
 18 second investment in Eufora? Do you recall that, sir, yes or
 19 no?
 20 **A I don't recall that, sir.**
 21 **Q** Now, the government showed you this document marked --
 22 the loan transaction history. Sir, the government showed you
 23 this document --
 24 **A Correct.**
 25 **Q** Let me finish.

RUCCHIN-CROSS-HALEY

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1 **A I'm sorry.**
 2 **Q** That's okay, Mr. Rucchin. I've been doing this for
 3 awhile. You have to let me finish the question.
 4 The government showed you yesterday this document,
 5 2136, which is your loan transaction history, is that true?
 6 **A Yes, it is.**
 7 **Q** And when was the first time you say you saw this
 8 document?
 9 **A That would have been at the end of 2013.**
 10 **Q** And I believe that you testified it -- well, the first
 11 time you saw this document did you or did you not have an
 12 understanding of it?
 13 **A After it was explained to me, yes. But if I were just to**
 14 **look at it, not without someone explaining it to me.**
 15 **Q** I believe that you testified that is when a member of the
 16 federal law enforcement explained it to you, is that correct?
 17 **A That is correct.**
 18 **Q** And was it at that point in time that you then decided to
 19 engage another financial advisor in terms of your investments,
 20 or had you prior to that point in time engaged another
 21 financial advisor?
 22 **A It was prior.**
 23 **Q** When you had engaged the other investor, before you saw
 24 this, could you give us --
 25 THE COURT: You said "the other investor."

RUCCHIN-CROSS-HALEY

2769

1 MR. HALEY: Excuse me, Judge. I meant to say "the
 2 other financial advisor." Thank you, Your Honor. I misspoke.
 3 **Q** Sir, when you engaged the other financial advisor before
 4 you saw this, when did that occur?
 5 **A When I --**
 6 **Q** What year? Just give me an idea.
 7 **A Well, I had -- there have been a couple since Phil. So I**
 8 **had one at the same time as Phil. And now I only have one**
 9 **permanently. That would have been 2010 or 2011, the one I**
 10 **have now, to this date, the only one.**
 11 **Q** Let's start with the first financial advisor you engaged
 12 after you terminated Phil. When did that occur?
 13 **A That was a financial advisor that I've had since 1994.**
 14 **Q** So you went back to him?
 15 **A No, I still had him. I had him and Phil at the same**
 16 **time.**
 17 **Q** Okay.
 18 **A So I still had him after I engaged Phil. And then I**
 19 **think I ended up with a new one shortly after that.**
 20 **Q** And what is the name of the new one?
 21 **A So I had those two simultaneously. As you recall**
 22 **yesterday my testimony, when I said due to the mortgage**
 23 **situation I ended up getting the second one to help me with my**
 24 **mortgages. And after that point I moved everything to the one**
 25 **that I have now. Because they were -- I didn't want to**

RUCCHIN-CROSS-HALEY

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1 **terminate my relationship with my first one. But financially,**
 2 **I had to, unfortunately, because it was taking more money by**
 3 **going to my present investor now.**
 4 **Q** Okay. I apologize for confusing you.
 5 **A Sure.**
 6 **Q** My question to you is this, sir, when did you -- and by
 7 that I mean approximately the date, the month or the year.
 8 **A Yes.**
 9 **Q** When did you terminate Phil Kenner as your financial
 10 advisor and begin to use another financial advisor, whether
 11 that financial advisor was someone that you brought back or
 12 whether it was a new financial advisor?
 13 **A When, I terminated Phil I still had my original financial**
 14 **advisor.**
 15 **Q** Okay. And when did you terminate them?
 16 **A To the best of my recollection, I believe it was late**
 17 **2010.**
 18 **Q** And when you terminated Phil in 2010, did you continue to
 19 simply use your prior --
 20 **A Correct.**
 21 **Q** -- investment advisor or did you also bring someone else
 22 in as well?
 23 **A Shortly after I had to bring someone else in.**
 24 **Q** And what is his name or her name?
 25 **A His name is Thomas Giddings, G-I-D-D-I-N-G-S.**

RUCCHIN-CROSS-HALEY

2771

1 Q And when Mr. Giddings --

2 A **Giddings.**

3 Q -- Giddings became your financial advisor, did he work

4 for a -- did he have his own company, if you recall?

5 A **He's with First Financial Bank in Irvine, California.**

6 Q When that occurred, did you give him the authority to

7 obtain all of your prior investment accounts at Schwab,

8 Northern Trust, wherever they might be?

9 A **No. Those are all with Merrill Lynch, and then I moved**

10 **some of my portfolio with Merrill Lynch to First Foundation.**

11 Q Well, did your new financial advisor, in 2010 --

12 A **It wasn't 2010. I believe it was in 2011, early.**

13 Q Your new financial advisor -- Mr. Giddings?

14 A **Tom Giddings.**

15 Q Tom Giddings. In 2011, when you engaged him as your new

16 financial advisor in 2011, did you give him the authority to

17 access all of your prior investment accounts, the Schwab

18 account, the Northern Trust accounts, wherever the money was?

19 A **I did not, no.**

20 Q He didn't ask you for that information so that he has an

21 understanding --

22 A **For my prior year's investments. Is that what you're**

23 **asking?**

24 Q You have to let me finish the question, sir.

25 A **Okay.**

RUCCHIN-CROSS-HALEY

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1 Q Your new financial advisor did not ask you for

2 authorization to obtain a snapshot of your current

3 investments?

4 A **Yes. Those are with Merrill Lynch.**

5 Q Well, did you advise him that you had, at one point in

6 time, a line of credit -- actually, did you advise him, sir,

7 that you had an account at Northern Trust wherein a million

8 dollars, from your perspective, was residing there by way of a

9 line of credit? Did you tell him that?

10 A **I did not tell him about my past, no.**

11 Q He didn't ask about your past in terms of financial

12 history and investments?

13 A **He did not want to know where my money was in 1998 or**

14 **1999.**

15 Q My question is quite simple.

16 A **He did not ask about my past, no. Nor did I tell him**

17 **about it.**

18 Q Do you know, sir, whether or not your new financial

19 advisor in 2011 had a copy of your loan transaction history as

20 relates to your line of credit in Northern Trust?

21 A **I don't believe so, no.**

22 Q Sir, let's take a look at 2173. This is in evidence. We

23 can agree, sir, that this is an account statement with

24 reference to your account, is that correct?

25 A **Yes, that's correct.**

RUCCHIN-CROSS-HALEY

2773

1 Q And it's the Steve Rucchin -- well, it reads, it's in

2 evidence, "Steve Rucchin Pledged Account Northern Trust NA as

3 of" -- as discretionary investment and manager." That's what

4 it says, correct?

5 A **Yes, sir.**

6 Q Is there an address on this document, sir?

7 A **There is, yes.**

8 Q Was there a point in time that you resided at 114 Paper

9 Birch Crescent, London, Ontario?

10 A **That was my father's address.**

11 Q It was your father's address, set up so that mail would

12 at least be received by let's say a family member, is that

13 correct?

14 A **Correct.**

15 Q I assume you did that deliberately so you knew that mail

16 would be available to you through purposes of your father's

17 address, is that correct?

18 A **Correct.**

19 Q When you, in 2011, hired Mr. Giddings as your financial

20 advisor, did you give him copies of documents that had been

21 mailed to your father's address regarding your account

22 statement at Northern Trust?

23 A **I did not, no.**

24 Q Did your new financial advisor, in 2011, in order to

25 understand your investment portfolio and properly advise you,

RUCCHIN-CROSS-HALEY

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1 ask for such documents?

2 A **No, he did not.**

3 Q Now, with reference to the Global Settlement Fund, you

4 were asked questions about discussions you had, discussions

5 that you had with the defendants, meaning Mr. Kenner and

6 Mr. Constantine with reference to the Global Settlement Fund.

7 Do you recall that?

8 A **I do.**

9 Q Where did that -- where did the first conversation with

10 the defendants, I mean plural, take place to the best of your

11 memory?

12 A **It took place in Tommy's office at the Eufora offices in**

13 **Phoenix.**

14 Q How long, to the best of your memory, did that

15 conversation and meeting take place?

16 A **Not too long. I got there pretty late at night. So I**

17 **was there maybe an hour and a half.**

18 Q I take it that hour and a half meeting was discussing --

19 I wasn't there, sir, but I take it it was discussing the

20 purposes of the global defense -- the Global Settlement Fund?

21 A **I was asking what incentives there would be to be part of**

22 **the global defense.**

23 Q Actually, I misspoke, sir. It was called the Global

24 Settlement Fund, for purposes of the record. Okay?

25 A **Yes.**

RUCCHIN-CROSS-HALEY

2775

1 Q Within this hour and a half meeting as relates to
2 litigation and lawyers, the word "lawyers" was used in the
3 plural, was it not?
4 A By me?
5 Q By the people that you were having the conversation with,
6 by Mr. Constantine and Mr. Kenner.
7 A I can't tell you whether "lawyers" was plural or singular
8 in that conversation.
9 Q Okay. But you're certain the name Jowdy was mentioned,
10 is that true?
11 A Correct.
12 Q Did you participate, sir, in a settlement conference in
13 California in 2012 where Mr. Jowdy was present with a lawyer
14 by the name of Tom Harvey?
15 A The mediation?
16 Q Yes, sir.
17 A Yes, I was there.
18 Q At that point in time, Phil Kenner was there?
19 A Yes. If that's the one I'm thinking of. I was there for
20 more than one. 2012. I'm trying to remember if that's the
21 one where there was a lot of other hockey players involved in
22 it. I can't remember a date or year.
23 Q That's okay. I'm talking about --
24 A It's kind of late. No, I wasn't at the one in 2012. I
25 don't think I was at that one. Three years ago. If you give

RUCCHIN-CROSS-HALEY

2776

1 me a second, I can maybe think about it a little bit.
2 Q Let me do this.
3 A Okay, yes.
4 Q It may be less important than this part of the question.
5 A Okay.
6 Q You do have a recollection of participating on the West
7 Coast --
8 A Yes.
9 Q -- in what, you used as a term, "mediation" with other
10 hockey players where Phil Kenner was present?
11 A Correct.
12 Q And Ken Jowdy was there with a lawyer by the name of Tom
13 Harvey. You remember that event?
14 A I do remember one by the name of Robin Crowder. Is that
15 the one?
16 Q Could be, sir. But my question was, this mediation
17 involve yourself, other hockey players, Phil Kenner. Ken
18 Jowdy was there with a lawyer, correct?
19 A Correct.
20 Q During that mediation, did you interact with Phil Kenner?
21 A I did, yes.
22 Q During that mediation, did you discuss with Phil Kenner
23 the receipt of the default letters that you received?
24 A I don't recall that being a conversation.
25 Q Well, I believe you testified on direct that after you

RUCCHIN-CROSS-HALEY

2777

1 got the default letter --
2 A Oh, the default from the loan on the line of credit?
3 Q Yes, sir.
4 A Okay. Do I recall having a conversation with him about
5 that?
6 Q Yes.
7 A At the mediation?
8 Q Yes.
9 A I don't recall that. I recall I had a conversation about
10 getting them when I was getting them. But at the mediation, I
11 don't recall that. I was more focused on the mediation
12 itself.
13 Q Well, do you have a recollection that you received the
14 default letters before the time that you were present with
15 Phil at the mediation?
16 A Yes. Because I know the default letters were before the
17 date that you mentioned. So, yes, I do recall that.
18 Q I believe you testified on direct that when you got the
19 default letters you had a conversation with Phil. And Phil
20 said to you, in substance, don't worry about it or something
21 like that, is that true?
22 A That's correct.
23 Q My question, sir, is during the course of the meeting
24 with respect to the mediation where Phil was present there,
25 face-to-face, did you press Phil further as relates to the

RUCCHIN-CROSS-HALEY

2778

1 default letters, yes or no?
2 A I don't recall. But I doubt I would. It was several
3 years later.
4 MR. HALEY: May I have a moment, sir?
5 THE COURT: Yes.
6 (Pause in proceeding.)
7 Q Now, sir, after the mediation -- do you remember it
8 taking place in California?
9 A Yes.
10 Q After that mediation, did you then leave the mediation
11 and travel with Phil Kenner to his home in Phoenix, Arizona,
12 stay with him for some period of time?
13 A No, I did not.
14 Q Well, sometime in 2012, do you recall meeting with Phil
15 at his home in Phoenix where yourself, Greg DeVries and Glenn
16 Murray were all present to discuss the status of various
17 investments including Hawaii and Eufora?
18 A I think it was at a hotel, actually.
19 Q I'm sorry?
20 A It was at a hotel, actually. They were all at a hotel,
21 and that's where I stayed for the night.
22 Q Those meetings took place for maybe 12 hours?
23 A No, not for 12 hours. But the afternoon and into the
24 evening.
25 Q During the course of those meetings, there was an

RUCCHIN-CROSS-LaRUSSO

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1 opportunity for you, as well as Greg as well as Glenn, to

2 discuss the status of the investments in the Hawaii project

3 and Eufora, is that correct?

4 **A That's correct.**

5 **Q** Whatever questions you asked of Phil, did he answer those

6 questions, sir?

7 **A He answered the questions that were asked, yes.**

8 MR. HALEY: Your Honor, thank you. I have no

9 further questions.

10 THE COURT: Mr. LaRusso.

11 MR. LaRUSSO: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. LaRUSSO:

14 **Q** Good morning, Mr. Rucchin.

15 **A Good morning.**

16 **Q** My name is Bob LaRusso. I represent Mr. Constantine.

17 When you met with Mr. Constantine and Mr. Kenner

18 back in Phoenix regarding the Global Settlement Fund, that's

19 the first time you actually met Mr. Constantine, is that

20 correct?

21 **A That's correct, yes.**

22 **Q** I think you told us a little while ago that that meeting

23 lasted an hour or an hour and a half.

24 **A Yes.**

25 **Q** Did you have an opportunity at all to look around the

RUCCHIN-CROSS-LaRUSSO

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1 facility, the complex?

2 **A Yes. Tommy took me around a little bit, yes, the**

3 **building.**

4 **Q** You say you saw the office space?

5 **A Yes.**

6 **Q** The hangars?

7 **A I did not look at the hangars. The office space.**

8 **Q** Did you discuss the hangars?

9 **A He told me about it. I don't know if there were hangars**

10 **or hangar. But, yes, he told me about it.**

11 **Q** These conversations that you had related, in great part,

12 to the civil suit or the contemplated legal action against Mr.

13 Jowdy, is that correct?

14 **A That's correct, yes.**

15 **Q** Your interest was because of the investment that you had

16 made in the Mexican project, is that correct?

17 **A That's correct, yes.**

18 **Q** What were those investment, just briefly?

19 **A It was just in the golf course in Cabo.**

20 **Q** How much was that for?

21 **A For me, personally, that was \$100,000.**

22 **Q** Now, in your discussions with both Mr. Kenner and

23 Mr. Constantine, would it be fair to say that you made it

24 pretty clear that whatever contribution you were going to make

25 would be because of the discussions relative to the legal suit

RUCCHIN-CROSS-LaRUSSO

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1 against Mr. Jowdy? That's what you made clear to them that

2 discussion was, is that right?

3 **A That's what this discussion was about, yes. The money**

4 **going towards the legal fight, yes.**

5 **Q** Do you remember at all discussing other topics unrelated

6 to the legal action against Mr. Jowdy?

7 **A Other topics? I don't recall. I don't recall other**

8 **topics.**

9 **Q** Do you recall any discussions about a company that

10 Mr. Jowdy owned call Diamante Air?

11 **A I'd only seen it recently. I was not -- I had no idea**

12 **what Diamante Air was.**

13 **Q** So you have no recollection of that subject coming up?

14 **A Dealing with the airplane that Tommy was talking about,**

15 **possibly. But looking back, Diamante Air really didn't mean**

16 **anything to me at the time. It's hard for me to recall.**

17 **Q** Just so that I understand, there may have been a

18 discussion about it. You don't have --

19 **A I don't recall. I don't recall it, no.**

20 **Q** Do you recall any discussions about bad guys who were

21 investors in Eufora that may be -- possibility of acquiring

22 their interest in Eufora as part of the Global Settlement

23 Fund?

24 **A Again, I can't recall that, sir.**

25 **Q** Do you recall at any point in time, let's just say a

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1 conversation, discussions about Mr. Juneau, Mr. Moreau, and

2 Mr. Nolan looking to have their interests in Eufora removed?

3 They wanted their investments back. Do you remember that?

4 **A I believe that I'm aware of that. Whether that**

5 **conversation occurred that night, I don't recall that either.**

6 **Q** And those three individuals I mentioned you knew were

7 hockey players, is that correct?

8 **A That's correct, yes.**

9 **Q** At some point in time you knew that they were also

10 investors in Eufora?

11 **A I know they were investors in several things. I can't**

12 **tell you for certainty that Eufora was one of them.**

13 **Q** Do you remember speaking with the FBI back on July 16th,

14 2012?

15 **A I don't, no.**

16 **Q** Would it be fair to say you have spoken to them before

17 appearing here and testifying?

18 **A Yes.**

19 **Q** Would it be also fair to say that you spoke with them

20 some years ago, 2012 and 2013, correct?

21 **A That's correct, whether it was back in 2012, I don't**

22 **know. 2013, yes.**

23 **Q** Do you have any recollection of telling any of the law

24 enforcement agents that your Global Settlement Fund monies

25 were for legal fees to fight Ken Jowdy in Mexico, in addition

RUCCHIN-CROSS-LaRUSSO

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1 to get interest in Eufora? Do you recall telling them that?

2 **A Get interest in Eufora?**

3 **Q** Yes.

4 **A I don't recall that. I mean, I can't recall having that**
5 **particular conversation, no.**

6 **Q** Let me show you what's marked for identification only as
7 3500-SR4. There are other pages if you need to look at it,
8 please. I'm going show you these two. And directly getting
9 to the point, I've highlighted the portion back here.

10 **A Okay. So what am I looking at exactly?**

11 **Q** Just looking at this document, and I am asking you to
12 take a look at it.

13 **A Okay.**

14 **Q** And after looking at the document, does it refresh your
15 recollection that you told the agents at some point in time
16 back in 2012 and 2013 that the monies that you contributed
17 were for legal fees to fight Ken Jowdy in Mexico, and in
18 addition, to get an interest in Eufora?

19 **A That's when I believe that conversation took place, but**
20 **it wasn't in terms of getting interest -- the money you**
21 **invested in the Global Settlement Fund was almost like a**
22 **reward, gave you a little bit additional ownership, the more**
23 **you invested.**

24 **Q** Okay. But in terms of your contribution to the legal
25 fund, you told the agents that you had anticipated some

RUCCHIN-CROSS-LaRUSSO

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1 interest in Eufora as a result, is that correct? That's what
2 you're telling -- do you remember telling the agents that at
3 that --

4 **A That is what Tommy and Phil said. The more money you put**
5 **in, the more stake of ownership you should be getting in**
6 **Eufora.**

7 **Q** Do you know where that interest was going to come from if
8 the monies that you were investing were just going to legal
9 fees?

10 **A It was just a stake into the ownership. Your percentages**
11 **rose in terms of your ownership in the company. And where**
12 **that was coming from, I don't know. I thought I was told that**
13 **by Tommy and Phil.**

14 **Q** Do you recall any discussions with Mr. Constantine that
15 they were going to buy out other individuals, and their
16 interest in Eufora would be coming back and be part of your
17 portfolio?

18 **A I don't recall that, no.**

19 **Q** Did you ever discuss with Mr. Constantine purchasing
20 additional interest in Eufora?

21 **A From that point on, no.**

22 **Q** Is it fair to say that after that meeting, and by the
23 way, you contributed 50,000, is that correct?

24 **A That's correct.**

25 **Q** Was there any discussion about you contributing \$250,000?

RUCCHIN-CROSS-LaRUSSO

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1 **A I know they were suggesting more, but \$50,000 was on the**
2 **low end.**

3 **Q** And at the time you were talking to them, were you aware
4 that other hockey players had invested \$250,000?

5 **A I wasn't aware of numbers. I was aware that the players**
6 **were investing. I can't recall who invested what.**

7 **Q** And do you have any recollection that the discussion
8 about a large amount of money was not the legal fees, but was
9 for more than legal fees, other purposes?

10 **A I can't say that for certain. No, I don't recall that.**

11 **Q** Is it possible in that conversation with Mr. Constantine
12 and Mr. Kenner you were told that additional monies were
13 needed to possibly acquire assets? Do you recall that?

14 **A I don't recall that, no.**

15 **Q** Do you recall any discussion about confirming the
16 agreement that you reached regarding your investment in the
17 Global Settlement Fund at that point?

18 **A Can you repeat that? Confirming?**

19 **Q** For example, did you, Mr. Constantine or Mr. Kenner
20 discuss the fact that an e-mail would be sent to you
21 confirming what you understood the purposes of your
22 contributions were to be?

23 **A I don't know that.**

24 MR. LaRUSSO: Judge, I am trying to get the
25 projector. I can't seem to get this.

RUCCHIN-CROSS-LaRUSSO

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1 **Q** This was received in evidence as Government Exhibit 6602.
2 It was a -- called a Global Settlement Fund Acknowledgment
3 e-mail by a man by the name of Jay McKee. Do you know Jay
4 McKee?

5 **A Yes.**

6 **Q** Just briefly, I'm not going to read this into the record
7 at all. Just take a look at it. I want you to note that
8 there are a number of topics listed here as an acknowledgement
9 regarding the Global Settlement Fund. My question is, you
10 never received such an acknowledgment e-mail, correct? Like
11 this?

12 **A It doesn't look familiar.**

13 **Q** But your recollection is you never got it from
14 Mr. Constantine and Mr. Kenner, they never sent you an e-mail
15 like this?

16 **A No, like I say, it doesn't look familiar.**

17 **Q** Do you remember after you made the contribution to the
18 Global Settlement Fund actually e-mailing Mr. Constantine and
19 Mr. Richards telling them what the purposes of your
20 contribution were for?

21 **A No, I don't recall.**

22 **Q** Let me show you what was marked for identification as
23 C-172. Mr. Rucchin, just take a look at this. Do you
24 recognize this as an e-mail that you sent to Mr. Constantine
25 and Mr. Richards on June 14, 2009?

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1 **A It has my name on it. I don't recall.**
 2 **Q** Just read it to yourself.
 3 **A Okay. Okay.**
 4 **Q** It was from you to Mr. Constantine and Mr. Richards, is
 5 that correct?
 6 **A Yes, that is correct.**
 7 MR. LaRUSSO: Your Honor, may I ask that C-172 be
 8 received.
 9 MS. KOMATIREDDY: No objection.
 10 THE COURT: C-172 is admitted.
 11 (So admitted as Defendant Kenner Exhibit C-172 in
 12 evidence.)
 13 MR. HALEY: I have no objection, Your Honor. I
 14 apologize for not standing and saying that.
 15 THE COURT: That is okay.
 16 **Q** I will read it. This is an e-mail from you to Ron
 17 Richards, is that correct?
 18 **A Yes.**
 19 **Q** And to Mr. Constantine?
 20 **A Yes.**
 21 **Q** At some point you had gotten their e-mail address before
 22 this date. This is dated June 14, 2009 (reading):
 23 "I authorize the law firm of Ronald Richards &
 24 Associates, a professional corporation, to initiate civil
 25 litigation on my behalf against Kenneth Jowdy and his related

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1 entities in any jurisdiction that is appropriate in the United
 2 States of America. If necessary, I authorize Ronald Richards
 3 & Associates to employ local counsel to assist them on my
 4 behalf or assist in any admission to a court in the various
 5 jurisdictions to where an action could be brought. Sincerely,
 6 Steven Rucchin."
 7 So that the record is clear, after you met with
 8 Mr. Constantine and Mr. Kenner, you confirmed what your
 9 understanding was regarding the monies that you contributed,
 10 is that correct?
 11 **A That is correct.**
 12 **Q** You were making sure that they were aware of what you
 13 knew your money was to be used for?
 14 **A That is correct.**
 15 **Q** As you testified here -- withdraw that.
 16 Do you know, in fact, that your money was used for
 17 legal fees?
 18 **A I don't know.**
 19 **Q** You don't know one way or another?
 20 **A I don't know.**
 21 **Q** So this money could have been used to pay for Ron
 22 Richards or related legal expenses, correct?
 23 **A I don't know.**
 24 **Q** And if it was, you would have no objection to that,
 25 correct?

RUCCHIN-CROSS-LaRUSSO

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1 MR. LaRUSSO: Your Honor, by way of stipulation the
 2 government has agreed to the introduction of a bank record.
 3 May I show it to counsel?
 4 (Handing to counsel.)
 5 MR. HALEY: No objection, Judge.
 6 THE COURT: What is the number?
 7 MR. LaRUSSO: C-175, Your Honor.
 8 THE COURT: C-175 is admitted.
 9 (So admitted as Defendant Exhibit C-175 in
 10 evidence.)
 11 **Q** That is the Exhibit C-175. At the top it says the
 12 Account of the Law Offices of Ron Richards. It is dated 5/29,
 13 page 1 of 3. I will direct your attention down to the bottom.
 14 Do you see this entry, May 26th, wire transfer from Steve
 15 Rucchin, TTEE Rucchin. What is TTEE Rucchin?
 16 **A I assume it's the trustee.**
 17 **Q** And that is the \$50,000 contribution?
 18 **A That's correct.**
 19 **Q** And that's on May 26th?
 20 **A That's correct.**
 21 **Q** We are going to turn to page, it looks like 2 of 3, the
 22 same account. We have -- actually, one is highlighted. But
 23 on the same day, May 26th, we have, XFER Corporate Checking
 24 Retainer, 7,500 -- 75,000; May 26th XFER to Corporate Checking
 25 Retainer, 20,000. And then some wire transfers, and then the

RUCCHIN-CROSS-LaRUSSO

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1 last on May 27th.
 2 Directing your attention to the two immediately
 3 after your contribution, do you see these two to the corporate
 4 checking retainer?
 5 **A Yes, I do.**
 6 **Q** Do you know whose account that is?
 7 **A I do not, no.**
 8 **Q** It does say "retainer," does it not? And there's a
 9 transfer to that account?
 10 **A It does, yes.**
 11 **Q** And if those were legal fees paid to Ron Richards you
 12 would have no objection, it would be part of your
 13 authorization that you had given them in your e-mail, correct?
 14 **A If they went to the lawyer I would have no objection, no.**
 15 **Q** Let me just briefly discuss with you the fact that after
 16 you met with Mr. Constantine and Mr. Kenner, you said that
 17 there were a number of conference calls that you participated
 18 in, is that correct?
 19 **A As I recall, maybe two. I don't know about a number.**
 20 **Q** Let me again explain for the purposes of expediting this,
 21 show you this. I will try to do these at once, if I can.
 22 Marked for identification as C-170, 171, 173 and 174. Take a
 23 look at these, if you could. And specifically referring to
 24 dates and the information up at the top, I am going to ask you
 25 a series of questions.

RUCCHIN-CROSS-LaRUSSO

2791

1 **A Yes.**

2 **Q** You say that you recall participating in a number of
3 conferences that were set up by Mr. --

4 **A I know one for sure. I can't tell you the exact number**
5 **after that.**

6 **Q** Is it possible that after looking at some of these
7 exhibits you realized there may have been a number of other
8 conferences that you may have participated in?

9 **A From what I see here, I feel like I'm missing something**
10 **now.**

11 **Q** Just your recollection?

12 **A It doesn't show that I participated in any number of**
13 **them.**

14 **Q** And are these e-mails that you sent to Mr. Constantine?

15 **A They are, but --**

16 **Q** I'm sorry.

17 **A I do recall being in at least one. I'm sure there were**
18 **several of them. But according to this one, it could have**
19 **been one.**

20 **Q** Is it fair to say these are e-mail responses to
21 Mr. Constantine's invitation for you to participate in
22 discussions concerning the Global Settlement Fund?

23 **A Yes.**

24 MR. LaRUSSO: Your Honor, may I ask that these
25 exhibits be received at this point. 170, 171, 173, and 174

RUCCHIN-CROSS-LaRUSSO

2792

1 preceded by the letter C-175.

2 THE COURT: Objection, Mr. Haley?

3 MR. HALEY: No objection.

4 THE COURT: The exhibits are admitted.

5 (So admitted as Defendant Exhibits 170, 171, 173,
6 174 in evidence.)

7 **Q** Is it fair to say there was an open line of communication
8 that you wished to take advantage of with Mr. Constantine?

9 **A If I wanted to call him, sure.**

10 **Q** Now, do you remember during 2009, and after your meeting
11 with Mr. Constantine and Mr. Kenner, receiving e-mails from
12 Mr. Constantine giving you an update on the Global Settlement
13 Fund and the status of the activity regarding the Global
14 Settlement Fund?

15 **A I don't recall that, sir.**

16 **Q** Let me show you what is marked -- it is actually in
17 evidence, so I'm not going to review the whole thing. I'm
18 just going to ask you to take a look at it and see if it
19 refreshes your recollection as to receiving one or more
20 e-mails from Mr. Constantine providing updates on the Global
21 Settlement Fund. Do you notice your e-mail address?

22 **A I do.**

23 **Q** That is your e-mail address?

24 **A Yes.**

25 **Q** srucc@aol.com?

RUCCHIN-CROSS-LaRUSSO

2793

1 **A Yes.**

2 **Q** I will give you a chance to read it yourself. I will not
3 read it for the record. The question is, does this refresh
4 your recollection of receiving one or more e-mails from
5 Mr. Constantine, particularly a group e-mails giving updates
6 on the Global Settlement Fund?

7 **A I don't recall this particular e-mail, but --**

8 **Q** Please read it. There is one other section I will ask
9 you to look at.

10 **A Which section?**

11 **Q** Just read it to yourself. I will turn the page and let
12 you look at the last section. This last section talks about
13 the bad guys that were alluded to earlier. Read that to
14 yourself.

15 **A Okay.**

16 **Q** Do you have a recollection now, having looked at the
17 e-mails, that you may have received communications from
18 Mr. Constantine giving updates on the Global Settlement Fund
19 even though it may not have pertained to your contribution,
20 but it may have pertained to other individuals?

21 **A I do recall. I can't say how many updates, plural. But**
22 **yes, I do recall from my recollection that there were long**
23 **e-mails such as this.**

24 **Q** And discussing topics, and I hope I'm not using an
25 inappropriate word, that you were not interested in because

RUCCHIN-CROSS-LaRUSSO

2794

1 your money went for legal fees, is that correct?

2 **A That is correct, yes.**

3 **Q** But the e-mail communications that you received and
4 reviewed with Mr. Constantine at least discussed other aspects
5 of the Global Settlement Fund that did not relate to your
6 contribution?

7 **A Yes, at the first page, yes.**

8 **Q** I am going to go back to 171 received in evidence. I am
9 going to direct your attention, this is the one where you're
10 responding on June 10th. And I'll read -- it's to Tommy.
11 It's your response regarding this potential conference call,
12 is that correct?

13 **A Correct.**

14 **Q** I'm just going to direct your attention to this second
15 paragraph. There is a legal aspect and a media aspect. Do
16 you see that?

17 **A I see it, yes.**

18 **Q** Do you remember that, in addition to the legal aspect,
19 there may have been some discussion about using the Global
20 Settlement Fund for media consideration?

21 **A As I recall the media, I didn't think there was going to**
22 **be monetary responsibility for any type of media. I didn't**
23 **know they were going to be any type of fees.**

24 **Q** Let me break it down a little. This is only your
25 understanding and not anybody else, all right.

RUCCHIN-CROSS-LaRUSSO

2795

1 A Remember, I'm trying to remember all of the aspects. I
2 didn't know that there would be any type of fees related to
3 that.

4 Q Do you remember -- and I will use the word "media" to
5 kind of describe the topic we're talking about. That there
6 was some adverse publicity that Mr. Jowdy put out, that you
7 and the other investors and Mr. Constantine and Mr. Kenner
8 were discussing a response to that. Do you recall that?

9 A I do, yes.

10 Q And do you recall that, now that we're kind of discussing
11 it, that some of the Global Settlement Fund monies had to be
12 used to provide payment for the media response?

13 A I'm not aware.

14 (Matter continued on the next page.)

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2796

1 CROSS-EXAMINATION (Cont'd)

2 BY MR. LARUSSO:

3 Q One more on this topic, if I may.

4 By the way just to be clear on the record, you
5 didn't authorize your money for media expenses. Yours was
6 for legal expenses.

7 That was your understanding?

8 A Yes.

9 Q On this topic of e-mail communications, Mr. Rucchin,
10 I will show you one more. Take a look at this. This is C
11 128 for identification. Did you recognize this as
12 possibly one of the e-mails you received from
13 Mr. Constantine giving you an update?

14 A Possibly the pictures. I don't know if I would have
15 opened the attachments or not, but my name was there.

16 Q This would have been one of the group e-mails
17 Mr. Constantine, whether you contributed or somebody else
18 contributed, for some other purposes, right, your e-mail
19 is the way to say it? You were part of the group e-mail
20 from Mr. Constantine?

21 A Yes.

22 MR. LARUSSO: I ask that C 128 be received.

23 This is one of the issues that we had before.

24 We'll discuss it at a later time.

25 THE COURT: All right.

OFFICIAL COURT REPORTER

2797

1 Q Now, do you know a man by the name of Michael
2 Stolper?

3 A I don't know him personally but the name, I do, yes.

4 Q When did you first hear his name and under what
5 circumstance?

6 A That would have been a lawyer I used for litigation
7 purposes started by Phil Kenner against Tommy Constantine.

8 Q What was your involvement?

9 A Phil asked me to participate in the litigation to try
10 to get our money back out of Eufora that we put in.

11 Q And did you make any contribution to the legal fund
12 that was being discussed at this point?

13 A I don't recall that. I don't know if I had. I don't
14 believe I did.

15 Q Was it Michael Stolper that was eventually retained?

16 A Yes, that's correct.

17 Q You said you never met him. Did you ever talk with
18 him?

19 A I don't remember, sir. I really don't. I can't say
20 for certain.

21 Q Do you recall ever receiving any communications from
22 Mr. Stolper?

23 A E-mail, group e-mails, yes.

24 Q Do you recall ever receiving any correspondences from
25 Mr. Stolper?

OFFICIAL COURT REPORTER

2798

1 A Correspondences such as letters?

2 Q Letters.

3 A I don't recall, sir.

4 Q Let me show you what is marked collectively as C 37
5 collectively, but I marked separately at page C 37 D.
6 Could you take a look at that and I'll ask you if you
7 recognize that.

8 A Yes, the second one down is my signature.

9 Q And do you remember in what context you signed that?

10 A The only reason I remember that because it was a
11 little bit of a pain getting done. I had at a place
12 having issues with the fax machine but I do remember doing
13 that.

14 Q This was an acknowledgment regarding a larger
15 correspondence deal with written consent of Eufora
16 Partners. Do you remember that?

17 A I don't remember what this was for, but all I know
18 that Phil suggested, asked that I get the signature back
19 to him and I have no other context what that was for, to
20 be honest with you.

21 Q For the record, tell us what you received from
22 Mr. Kenner. A single piece of paper?

23 A Yes.

24 Q Is that your recollection?

25 A To sign where I did sign. I don't recall just where

OFFICIAL COURT REPORTER

Rucchin - Cross/LaRusso

2799

1 I signed. I don't recall what other correspondence I got
2 from Mr. Kenner.

3 Q This looks like a fax page; is that correct?

4 A Yes.

5 Q So that would correspond with your recollection
6 receiving faxes from Mr. Kenner regarding the signature
7 that you ultimately put on that document?

8 A I don't recall how I got it. I don't recall whether
9 it was an e-mail or faxed to me but I had faxed it back.

10 Q But in addition to this, do you remember getting
11 additional documents, additional pages to review before
12 you actually executed and signed this document?

13 A I don't remember the context of it, no.

14 Q Would you sign off on a piece of paper without seeing
15 the documentation behind it as your practice?

16 A That's not my practice. My practice is I trusted
17 Phil basically to be my lawyer and I was in a situation
18 where if he was spearheading the whole thing and I was
19 looking at and I was just willing to do anything to try to
20 get any penny back of \$300,000 Eufora records.

21 Q You said your lawyer, I want to correct the record.

22 A I was treating him as if he was my lawyer to believe
23 that I'm not going to read through 40 documents. I
24 wouldn't know what it was saying, so I trusted Phil that
25 this was the thing to do, that he had read the documents.

Rucchin - Cross/LaRusso

2800

1 Q Would it be fair to say before you signed this, not
2 only did you trust Mr. Kenner, he provided you with some
3 information with what you were signing. Would you ask him
4 that?

5 You wouldn't sign a document and not know what
6 it relates to?

7 A Yeah, I would.

8 Q So you could have been signing away your house when
9 you signed this?

10 A I knew it was regarding --

11 MR. LARUSSO: I'm not making fun, I'm sorry.
12 I'm trying to understand the signature and why you put it
13 on and --

14 A I'll tell you what else, because there were many
15 others that were all my peers, my friends, so I found that
16 he was going to do no wrong.

17 Q I want to be fair to you. You recognize these other
18 people, hockey players?

19 A Yes.

20 Q At this point in time you were signing on with all
21 the other hockey players, is that correct, to retain
22 Mr. Michael Stolper to represent you in a suit against
23 Constantine?

24 A There could have been other investors, but I
25 recognize some names, yes.

Rucchin - Cross/LaRusso

2801

1 Q One of the other documents here which is marked
2 separately as a page 1, when you say other people, take a
3 look at that.

4 Does that refresh your recollection as to who
5 these other people are?

6 A It does. Most I know, some I don't.

7 Q And particularly these are those listed here?

8 A All hockey players.

9 Q People you played with and new personally?

10 A Yes.

11 Q All of these hockey players, including yourself, were
12 members of AZ Eufora Partners; is that correct?

13 A That's what it says, yes.

14 Q Well, do you remember your interest in Eufora being
15 held in a holding company known as AZ Eufora Partners?

16 A I believe so, yes.

17 Q And who was the managing member at the time?

18 Do you remember who was responsible for and had
19 the fiduciary responsibility as an investor with respect
20 to Eufora Partners?

21 Do you know who it was?

22 A I want to say Tommy Constantine, but I can't say that
23 with all certainty.

24 Q Did you ever hear of a man by the name of Tim Gaarn?

25 A Yes.

Rucchin - Cross/LaRusso

2802

1 Q Did you ever hear him name being described as the
2 managing member of Eufora Partners?

3 A I can't remember whether that title was given to him.

4 Q Based upon your testimony I will not review any other
5 portions of the document.

6 Do you remember at this point in time that one
7 aspect of this collective effort was not just to bring a
8 suit against Mr. Constantine, but to try and purchase a
9 loan and take over the company from Mr. Constantine?

10 A That's not what I was aware of.

11 Q What was your understanding of the nature of the
12 suit?

13 A To try to get some assets and items back before Tommy
14 filed for bankruptcy.

15 Q Where did you receive that information from?

16 A I believe I read it in the court document and I would
17 have heard that from Mr. Phil Kenner.

18 Q When you say "court document," what do you mean?

19 A Whether it's a court document -- it might have been
20 just the preparation for the litigation stating the reason
21 behind the lawsuit.

22 Q And do you remember one of the reasons behind the
23 lawsuit is that a man by the name of Tim Gaarn and CR
24 Gentry had been removed from the board of directors from
25 Eufora.

Rucchin - Cross/LaRusso

2803

1 Do you remember that?

2 **A That sounds familiar.**

3 **Q** And it was Mr. Constantine who threw him out?

4 **A I don't know that. I can't say for certain that they**

5 **were even members of the board. I knew they had something**

6 **to do with Eufora but I don't know who threw who out. I**

7 **had no idea. I was just an investor.**

8 **Q** Do you remember any discussion about the fact that

9 Mr. Gaarn and Mr. Gentry had been the ones responsible for

10 making the allegations against Mr. Constantine and that

11 Mr. Constantine retaliated against them, that's the claim,

12 by throwing him out of the company, is that fair?

13 **A I can't say that. I don't recall that.**

14 **Q** What is your recollection regarding what happened to

15 him?

16 **A I wasn't involved in the day-to-day operations of**

17 **Eufora so I don't know what in-fighting there was behind**

18 **closed doors.**

19 **Q** My question is just trying to understand what your

20 knowledge was at this point.

21 **A All the names sound familiar. I don't know who is in**

22 **what position or who is doing what to who. I just don't**

23 **know.**

24 **Q** Do you know when the Stolper lawsuit was actually

25 filed?

Rucchin - Cross/LaRusso

2804

1 **A I want to say in 2013 sometime.**

2 **Q** Okay. You have no recollection, do you?

3 **A Not really. I'm not 100 percent sure, no.**

4 **Q** By the way, you were part of the bankruptcy

5 proceeding that you alluded to; is that correct?

6 **A Yes, that's correct.**

7 **Q** The bankruptcy proceeding and the suit against

8 Mr. Constantine were two separate proceedings; is that

9 correct?

10 **A I don't know.**

11 **Q** One happened before the other?

12 **A I don't recall. There's just a little bit too much**

13 **going on with everything.**

14 **Q** For identification, I will show you a document marked

15 C 179 and see if that refreshes your recollection as the

16 time period the bankruptcy aspect was taking place. This

17 is it.

18 **A Yes.**

19 **Q** Would it be fair to say when you talk about the

20 bankruptcy proceeding, you are talking about sometime

21 around May of 2013, would that be fair?

22 **A That would be fair, yes.**

23 **Q** Now, the discussions with Mr. Stolper, they are

24 occurring back in what year (indicating)?

25 **A 2010.**

Rucchin - Cross/LaRusso

2805

1 **Q** Okay. And the lawsuit against Mr. Constantine was

2 shortly after Mr. Stolper was hired by you and the others

3 to retain them?

4 **A That's correct.**

5 **Q** It's fair to say we're talking about two different

6 proceedings during two different periods of time?

7 **A Yes, we are.**

8 **Q** You talked about the mediation in California. I

9 believe you mentioned Mr. Kenner was there. Was

10 Mr. Constantine there?

11 **A Yes, he was.**

12 **Q** And could you describe what role he played in that

13 mediation?

14 **A A strong role. He was very vocal and was taking a**

15 **lead in the mediation from our side of the table.**

16 **Q** So he was actually representing the interests of the

17 hockey players against Mr. Jowdy, would that be fair?

18 **A I would like to hope he was, yes.**

19 **Q** You were there. You actually witnessed him doing

20 that?

21 **A Yes, he was.**

22 **Q** Do you know a man by the name of John Kaiser?

23 **A Yes, I do.**

24 **Q** Was he also part of actively participating in

25 advancing the interests of the hockey players as well?

Rucchin - Cross/LaRusso

2806

1 **A He was.**

2 **Q** Would you agree he was also supportive of

3 Mr. Constantine's position at that time?

4 **A Correct.**

5 **Q** Kind of like Brothers in Arms, representing the

6 interests of the hockey players?

7 **A You can say that, yes, it is.**

8 **Q** Do you remember any tentative settlement reached with

9 Mr. Jowdy with regards to the efforts this mediation

10 played?

11 **A No, I thought it was a joke being there to be honest**

12 **with you.**

13 **I told Tommy Constantine after everyone was**

14 **having a couple beers together this was going nowhere. I**

15 **said it was a joke being there, whether this is something**

16 **people thought there was a possibility, but I didn't think**

17 **for a second anything was happening. It was a waste of**

18 **time.**

19 **Q** With regards to the possibility of something

20 happening, do you remember any discussions about Mr. Jowdy

21 trying to reach a settlement with the hockey players and

22 offering 50 acres free and clear in the Cabo area. Do you

23 remember any discussion about a settlement after being

24 made?

25 **A I don't remember any specifics, no.**

Rucchin - Cross/LaRusso

2807

1 Q Do you remember at least there was some discussions
2 about a settlement?
3 A I can't say there was a discussion about settlement.
4 I think that there was going to be maybe more dialogue. I
5 can't say there was a settlement reached because there
6 wasn't.
7 Q By the way, you've never asked Mr. Constantine for
8 the money you contributed to the Global Settlement Fund
9 Fund. You never asked for that money back, did you?
10 A I never asked him, no.
11 Q Just a few questions on the line of credit, if I may.
12 A Sure.
13 Q Mr. Constantine had nothing to do with the lines of
14 credit you were testifying to; is that correct?
15 A From what I know, yes.
16 Q And by the way you never asked for your money back
17 from Eufora either; is that correct?
18 A That's correct.
19 Q Now, the last topic, and it relates to a question and
20 answer yesterday. Do you recall this question and giving
21 this answer.
22 "At the time that you decided to invest in
23 Hawaii, did you authorize any of that money to go to Tommy
24 Constantine?
25 Answer: I did not."

Rucchin - Redirect/Komatireddy

2808

1 Do you recall that question and answer.
2 A Yes.
3 Q And did you approve any of the business transactions
4 that Mr. Kenner was making in regards to the Hawaiian
5 projects?
6 A Not that I'm aware of, no.
7 Q You didn't consult with him beforehand?
8 A No.
9 Q He didn't seek your authorization for any of these
10 particular --
11 A That's correct.
12 Q And that you were relying upon Mr. Kenner to make the
13 proper judgment in regards to the expenditures of the
14 money; is that correct?
15 A That's correct.
16 MR. LARUSSO: I have no further questions, your
17 Honor.
18 THE COURT: Redirect.
19 REDIRECT EXAMINATION
20 BY MS. KOMATIREDDY:
21 Q Mr. Rucchin, you were shown on cross-examination?
22 C 175 and you were asked if your money went to legal fees
23 and you would be all right with that. I believe your
24 response was as long as it went to a lawyer. You were
25 okay with that?

Rucchin - Redirect/Komatireddy

2809

1 A Yes.
2 Q I'm showing you C 175, there's a highlighted entry.
3 I'll highlight the entry right above it.
4 If your money went to a lawyer hired for the
5 sole purpose of trying to help Tommy Constantine acquire
6 Playboy Enterprises, would you be okay with that?
7 A I would not have, no.
8 MS. KOMATIREDDY: Nothing further.
9 THE COURT: Anything further?
10 MR. HALEY: I have brief recross, just from
11 Mr. LaRusso's cross and it is brief, Judge.
12 THE COURT: Okay.
13 (Continued.)
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Rucchin - Recross/Haley

2810

1 RE CROSS-EXAMINATION
2 BY MR. HALEY:
3 Q Mr. Rucchin, you testified in response to a question
4 of Mr. LaRusso that you were part of the bankruptcy
5 proceeding, correct?
6 A That's correct.
7 Q As a matter of fact, Phil Kenner assisted you in
8 filing a pleading so that your interest in Eufora could be
9 preserved in that bankruptcy proceeding, correct?
10 A I don't know.
11 Q Well, did Phil Kenner assist you, sir, in filing that
12 pleading as relates to the bankruptcy proceeding?
13 A I would assume he did. Phil helped me with a lot of
14 things. I can't say for certain, but I would think he
15 did.
16 Q Do you have a recollection, sir, of Phil actually
17 paying the filing fee in the amount of \$314 for that
18 document you filed in connection with the proceeding and
19 you reimbursing him for that expense on April 1, 2013?
20 A I do recall that, yes.
21 MR. HALEY: I have no further questions. Thank
22 you.
23 RE CROSS-EXAMINATION
24 BY MR. LARUSSO:
25 Q One or two more. Bear with me.

Rucchin - Recross/LaRusso

2811

1 **A Yes.**
 2 **Q** In regards to the redirect of the wire transfer on
 3 May 26th, to Gillmartin?
 4 Do you see that?
 5 **A Yes.**
 6 **Q** You don't know if it pertained to a Playboy expense
 7 or pertained to a Palm unit or anything at this point; is
 8 that correct?
 9 **A I do not.**
 10 THE COURT: You may step down, sir.
 11 **A Thank you.**
 12 THE COURT: Okay, we'll take the morning break.
 13 Don't discuss the case.
 14 (Whereupon, at this time the jury exits the
 15 courtroom.)
 16 (Continued.)

Ranford - Direct/Miskiewicz

2813

1 THE COURT: Mr. Ranford, just stay close to the
 2 microphone.
 3 THE WITNESS: Yes.
 4 DIRECT EXAMINATION
 5 BY MR. MISKIEWICZ:
 6 **Q** Good morning, Mr. Ranford.
 7 Mr. Ranford, where do you work?
 8 **A I work for the Los Angeles Kings hockey Club.**
 9 **Q** What do you do there?
 10 **A I'm a goalie coach.**
 11 **Q** Prior to working for the LA Kings as a coach, what
 12 did you do for a living?
 13 **A I was a professional hockey player for 15 years.**
 14 **Q** What was your position when you were a player?
 15 **A I was a goalie.**
 16 **Q** For what teams?
 17 **A Boston, Tampa Bay, Washington, Detroit, Edmonton.**
 18 **Q** And when did you retire?
 19 **A I retired in 2000.**
 20 **Q** And do you know the defendant or one of the two
 21 defendants in this case, a man by the name of Phil Kenner?
 22 **A Yes, I do.**
 23 **Q** How do you know him?
 24 **A He was my financial advisor.**
 25 **Q** And approximately when did he become your financial

Ranford - Direct/Miskiewicz

2812

1 THE COURT: Call your next witness.
 2 MR. MISKIEWICZ: William Ranford.
 3 In light of the fact we have Mr. Ranford and
 4 Mr. Manfredi, is it possible to take a shorter than usual
 5 lunch break since we'll have a shorter day today?
 6 THE COURT: Do you want to take Mr. Manfredi out
 7 of order?
 8 MR. MISKIEWICZ: It wouldn't matter. They are
 9 both out of town witnesses.
 10 (Whereupon, the jury at this time enters the
 11 courtroom.)
 12 THE COURT: Please be seated.
 13 Your next witness.
 14 MR. MISKIEWICZ: The Government calls William
 15 Ranford.
 16 THE COURT: Mr. Ranford, come up to the witness
 17 stand and remain standing once you get there.
 18 Please raise your right hand.
 19 **WILLIAM RANFORD,**
 20 called as a witness, having been first
 21 duly sworn, was examined and testified
 22 as follows:
 23 THE COURT: Be seated. Please state your full
 24 and spell your last name for the record.
 25 THE WITNESS: William Ranford. R-A-N-F-O-R-D.

Ranford - Direct/Miskiewicz

2814

1 advisor?
 2 **A Would have been approximately 1996, 1997.**
 3 **Q** If you saw him again would you recognize him?
 4 **A Yes.**
 5 **Q** Do you see him in the courtroom today?
 6 **A Yes, I do.**
 7 **Q** Would I point to him?
 8 MR. HALEY: Identification conceded, Judge.
 9 THE COURT: Okay.
 10 MR. MISKIEWICZ: Thank you.
 11 **Q** How did you meet Mr. Kenner?
 12 **A I was introduced to Mr. Kenner by Derrick Sanderson**
 13 **who worked with the Boston Bruins at the time through the**
 14 **State Street Bank.**
 15 **Q** And did there come a time that Mr. Kenner became your
 16 financial advisor?
 17 **A Yes, it would have been somewhere in the 1996-1997**
 18 **season.**
 19 **Q** And did he remain your financial advisor for some
 20 period of time thereafter?
 21 **A Yes, he did.**
 22 **Q** And did you pay Mr. Kenner any fee or fees in
 23 exchange for his services as your financial advisor?
 24 **A Yes, I did.**
 25 **Q** Do you remember approximately how that fee structure

Ranford - Direct/Miskiewicz

2815

1 worked?

2 **A It was a percentage of my portfolio.**

3 **Q** And do you have any estimate, an average figure of

4 approximately how much you would pay Mr. Kenner during the

5 time he was your financial advisor, either on a monthly or

6 quarterly basis?

7 **A I think it was a quarterly basis.**

8 **Q** And how much did you pay, on average?

9 **A I think it was around 4,000.**

10 **Q** And did you ever have a discussion with Mr. Kenner

11 about your potentially investing in a real estate

12 development project in the state of Hawaii?

13 **A It was discussed but I did not invest in the**

14 **property.**

15 **Q** Okay. Was there any reason why you decided not to

16 invest?

17 **A I think just at the time I wasn't interested in it.**

18 **Q** Okay. Did you ever have a discussion with Mr. Kenner

19 about investing in a real estate development in Mexico?

20 **A Yes, I did.**

21 **Q** Did you invest in Mexico?

22 **A Yes, I did.**

23 **Q** Do you know approximate about when did you invest in

24 Mexico?

25 **A It would have been, I'm guessing, in the early to mid**

Ranford - Direct/Miskiewicz

2816

1 **2000s. So between 2004 and 2006.**

2 **Q** Do you remember how much you invested?

3 **A I think it was approximately 250,000.**

4 **Q** Do you remember the name of the company --

5 MR. HALEY: Judge, may we approach?

6 THE COURT: Yes.

7 (Whereupon, at this time the following took

8 place at the sidebar.)

9 (Continued.)

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Ranford - Direct/Miskiewicz

2817

1 MR. HALEY: Thank you.

2 First, I believe this is a line of inquiry that

3 we'll be making inquiry of him with reference to the Los

4 Frailes investment.

5 MR. MISKIEWICZ: No, Los Frailes was much

6 afterwards. There was a wire transfer I'm about to show

7 him I believe in July of 2008. It's one of those done as

8 attorney-in-fact, signed by Mr. Kenner, it goes to

9 Constantine Management Group. He doesn't really ever have

10 a record.

11 He will testify eventually that because of his

12 Mexico involvement later on, he contributes to the Global

13 Settlement Fund Fund. So -- by Los Frailes, it is totally

14 unrelated.

15 THE COURT: It wasn't supposed to go to Los

16 Frailes.

17 MR. MISKIEWICZ: He's never seen the document

18 reflecting anything. No, he's unsure as to whether it

19 went to Los Frailes. I think he said it went to

20 Mr. Jowdy's company which is not Los Frailes.

21 MR. HALEY: We thought it would be opening a

22 door to the Los Frailes.

23 Thank you.

24 MR. MISKIEWICZ: I didn't intend to do anything

25 with regard to Los Frailes.

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1 MR. HALEY: We thought that was his answer.

2 THE COURT: Go ahead.

3 (End of sidebar conference.)

4 (Continued.)

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Ranford - Direct/Miskiewicz

2819

1 (In open court.)
 2 MR. MISKIEWICZ: May I proceed, your Honor?
 3 THE COURT: Yes.
 4 Q When you sent or authorized the investment of
 5 \$250,000 in a land deal in Mexico, did you have any
 6 understanding or did you know of a person by the name of
 7 Ken or Kenneth Jowdy?
 8 A Yes, I knew that he was involved in the property.
 9 Q So you understood that when you invested, you were
 10 investing in a property that that person was developing?
 11 A That's correct.
 12 Q Now, in or about the mid 2000s when you made that
 13 investment, did you get any documentation from Mr. Kenner
 14 reflecting your share of ownership in anything being
 15 developed by Mr. Jowdy in Mexico?
 16 A I did not.
 17 Q Did there come a time -- well, withdrawn.
 18 Did there ever come a time that you became
 19 involved -- sorry, withdrawn. One more time. I'll get it
 20 straight.
 21 Did you ever have a discussion with Mr. Kenner
 22 about investing in a company called Eufora?
 23 A Yes, I did.
 24 Q And what did you hear from Mr. Kenner about Eufora?
 25 A That it was a credit card company that he asked me if

Ranford - Direct/Miskiewicz

2820

1 I would be interested in investing in. It was -- the
 2 information I got it was a credit card company for people
 3 that might have had some bad debt and it was a way of
 4 bettering their credit rating.
 5 Q Okay. Did you discuss, did you make any decisions
 6 with respect to Eufora?
 7 A Yes, I made a decision to invest in it. Yes.
 8 Q In any of these discussions, was there a patent or
 9 was there any discussion about the ownership of a patent
 10 by Eufora, if you recall?
 11 A Yes, from what I recall, yes, there was a discussion
 12 about patenting the credit card. Yes.
 13 Q And what if any importance did that have in your
 14 decision to invest?
 15 A Well, I don't know a lot about patenting, but, you
 16 know, if they were able to patent it, obviously that would
 17 be a positive. So that also intrigued me.
 18 Q Okay. I will show you what has been received in
 19 evidence as Government's Exhibit 1512, and I'll zero in on
 20 the relevant portion here.
 21 Do you see that in front of you on the screen,
 22 Mr. Ranford?
 23 A Yes, I do.
 24 Q What is the date on 1512?
 25 A July 7, 2008.

Ranford - Direct/Miskiewicz

2821

1 Q Is that approximately the period of time, if you
 2 recall, that you invested in Eufora?
 3 A Yes, that would be about the right time.
 4 Q Okay. It's directed to Charles Schwab Institutional
 5 Service Group.
 6 Did you have an account there at the time?
 7 A Yes, I did.
 8 Q With respect to your account, did you give anyone
 9 other than yourself authority to transact business either
 10 by making deposits or withdrawals from that account?
 11 A Phil Kenner had the authority to sign on my behalf.
 12 Q And it proceeds to indicate that there is a reference
 13 line William Ranford, and there's an account number. Do
 14 you see that?
 15 A As Phil Kenner as attorney-in-fact for William
 16 Ranford.
 17 Q At the very bottom. We'll do that.
 18 He was for all practical purposes your
 19 attorney-in-fact for this account, correct?
 20 A Yes.
 21 Q You gave him that authority to transact business in
 22 your name, correct?
 23 A Yes.
 24 Q All right.
 25 I was focusing above that. You had an account

Ranford - Direct/Miskiewicz

2822

1 at Charles Schwab, I think you said. Could you read into
 2 the record right below where it says there Charles Schwab?
 3 A Please wire 200,000 using the following instructions.
 4 Constantine Management Group Limited, 104 Wilmot Rd.,
 5 Suite 105, Deerfield, Illinois, 60015.
 6 Q We'll stop you there. But for the record there's a
 7 routing and an account number; is that correct?
 8 A Yes.
 9 Q At or about this time when you were intending to
 10 invest in Eufora, did you know anything about a company
 11 known as Constantine Management Group?
 12 A No, I did not.
 13 Q Did you know a man by the name of Tommy Constantine
 14 at that juncture?
 15 A Not at that time, no.
 16 Q Did you ever meet Mr. Constantine?
 17 A No, I did not.
 18 Q Okay.
 19 But there is no question you did intend to
 20 invest in Eufora at or about this time, meaning July 7,
 21 2008, correct?
 22 A Yes.
 23 Q I want to show you another exhibit that is in
 24 evidence, Government's Exhibit 1513. Can you see 1513?
 25 A Yes, I can.

Ranford - Direct/Miskiewicz

2823

1 Q And this is essentially a similar record or form as
2 what we were just looking at, correct?
3 A Yes.
4 Q It's another wire transfer instruction to a bank?
5 A Yes, correct.
6 Q All right. And for the record, what is the date that
7 appears on 1513?
8 A February 6, 2009.
9 Q And is it directed to the same, your Charles Schwab
10 Institutional Service and making reference to the same
11 bank account?
12 A Yes.
13 Q And what does it say? How much is now being
14 authorized to be sent to a bank?
15 A It says please wire 100,000 using the following
16 instructions:
17 Q And it indicates a bank which in this case, correct
18 me if I'm wrong, is Johnson Bank, Scottsdale, Arizona; is
19 that correct?
20 A That's correct.
21 Q And does it refer to a particular company and account
22 number?
23 A Yes, Eufora LLC on Scottsdale Road, in Scottsdale,
24 Arizona.
25 Q So you made a \$200,000 investment as we saw in 1512

Ranford - Direct/Miskiewicz

2824

1 in July of 2008, and then you made another one for 100,000
2 in February of 2009; is that correct?
3 A I did not.
4 Q Did you know this was being transacted at the time
5 that it purports to have occurred?
6 A I did not.
7 Q Are you sure?
8 A I'm positive.
9 Q How do you know?
10 A Because I knew I only made one investment in Eufora.
11 Q At this time 2008-2009, are you a professional hockey
12 player?
13 A I was not.
14 Q Is it fair to say as a professional hockey player you
15 had a successful career. You had fairly large contracts
16 at various times?
17 A That's correct.
18 Q Were you making anywhere near that money in
19 2008-2009?
20 A I was not making that kind of money. I was not. My
21 salary wasn't even that.
22 Q In or about February of 2009, did Mr. Kenner tell you
23 words to the effect that he was sending another \$100,000
24 in your name to Eufora?
25 A He did not.

Ranford - Direct/Miskiewicz

2825

1 Q Had you ever seen this document until preparation for
2 your testimony here today?
3 A No, I had not.
4 Q I will show you another document that is in evidence,
5 Government's Exhibit 2213. This is a Johnson Bank
6 statement in the name of Eufora. Do you see that?
7 A Yes.
8 Q I want to focus your attention on a transaction,
9 there are a couple of transactions here, that are on that
10 date, February 6, 2008, -- 2009, sorry.
11 Do you see your name referenced anywhere in the
12 Eufora bank account that is now Government's Exhibit 2213?
13 A Yes, on the date of February 6th, William Ranford at
14 598 West Lake.
15 Q I may have cut it off but -- it's not coming up on
16 the screen. Can you see the entire screen or is that cut
17 off?
18 A It is cut off.
19 Q Showing you a paper copy of 2213, on February 6,
20 2009, how much money is, according to that document, being
21 transferred or deposited into the Eufora bank account at
22 Johnson Bank?
23 A 100,000.
24 Q That is the same amount reflected on that wire
25 transfer I showed you a moment ago; is that correct?

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1 A That's correct.
2 Q And there's also another name that appears near
3 yours?
4 A Yes.
5 Q Who is that?
6 A Greg Devries.
7 Q Do you know who Greg Devries is?
8 A Yes.
9 Q Who is he?
10 A He's a fellow hockey player.
11 Q Do you know if he had any contract with Mr. Kenner
12 during the period of time he was a hockey player, if you
13 know?
14 A My understanding was that Phil was his financial
15 advisor.
16 Q Moving across it looks as if there was a \$100,000
17 deposit in your name right below yours, correct?
18 A Correct.
19 Q Again, my question to you, on or about this period of
20 time, did you know that your \$100,000 of your money was
21 being wired from your Charles Schwab account to Johnson
22 Bank in the name of Eufora?
23 A I did not.
24 Q Turn to page 3 of this document, 2213, page 2 -- I'm
25 sorry, page 3 of 2213. There is an outbound wire of

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1 100,000 to somebody by the name of Timothy R. Gaarn. Do
2 you know that?

3 **A Yes.**

4 **Q** Do you know who Tim R. Gaarn is?

5 **A No.**

6 **Q** Did you ever meet him?

7 **A No.**

8 **Q** And then there's another transfer out also from
9 \$100,000 also to Timothy Gaarn. Do you know anything
10 about that?

11 **A I do not.**

12 **Q** Showing you what has also been received in evidence
13 as 2302, this is a checking account at Wachovia on that
14 day in 2006. Do you see any inbound amounts of money
15 going to that Wachovia account?

16 **A Yes, I see a deposit for 100,000 going into the bank
17 on February 6th.**

18 **Q** And for the record, could you just read who the ORG,
19 originator is?

20 **A Eufora LLC.**

21 **Q** Going to the next page, focusing your attention on a
22 series of withdrawals on or about 2009, I'm trying to do
23 that. I just want to ask you a series of questions.

24 There's a 2/09, \$2,500 transfer to a Mr. Zizzi?

25 **A Yes.**

Ranford - Direct/Miskiewicz

2828

1 **Q** There's a \$5,400 transfer to a Richard Kaiser. Do
2 you know who Richard Kaiser was?

3 **A No, I do not.**

4 **Q** There's -- do you know who John Kaiser is?

5 **A Yes, I do.**

6 **Q** How do you know John Kaiser?

7 **A Through another investment that I had with
8 Mr. Kenner.**

9 **Q** And do you see an \$8,000 transfer to a Stephanie
10 Dickson. Do you know who that is?

11 **A No.**

12 **(Continued.)**

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2829

1 **Q** There was a \$13,901.59 funds transfer to Cornerstone
2 Bank, BNF, I guess benefit of, Michael A Peca. Do you know
3 who Michael A. Peca is?

4 **A Yes, I do.**

5 **Q** Who is he?

6 **A Another fellow hockey player.**

7 **Q** Did you owe Mr. Peca \$13,901.59 on or about this period
8 of time, February of '09?

9 **A No, I did not. I never really met Mr. Peca. I just
10 played against him. No.**

11 **Q** Lastly, on 2/09, there was a \$15,000 transfer to an RB
12 Class Citizens bank account, BNF, Joe Barth Agents & Ross LLP.
13 It looks like. May be a law firm. It's cut off. You know
14 anything about that law firm?

15 **A I do not.**

16 **Q** Last page, there's a \$16,000 transfer also on 2/09 to
17 Tracy Kevner, K-E-V-N-E-R. Do you know anybody by that name?

18 **A I do not.**

19 **Q** I already asked you about John Kaiser, correct? You said
20 you did know him, correct?

21 **A Yes.**

22 **Q** Very briefly, go back to the first page to the Wachovia
23 account. What was the -- what was the closing balance at the
24 end of that month?

25 **A \$56,862.30 -- I can't see the last digit. 30-some cents.**

RONALD E. TOLKIN, RPR, RMR, CRR

2830

1 **Q** I'm going to show you another exhibit already in
2 evidence. Government Exhibit 2303. This picks up -- the
3 period begins at 2/12/2009, correct?

4 **A Correct.**

5 **Q** And again, this is the Wachovia account in the name of
6 Tim Gaarn.

7 **A Yes.**

8 **Q** Now, jumping very quickly to page 4 of 8 of that exhibit,
9 on or about 2/25. Very quickly, there is a \$30,000 transfer
10 to Phil Kenner. You obviously know who Phil Kenner is, right?

11 **A Yes, I do.**

12 **Q** You see another one to John Kaiser?

13 **A Yes, I do.**

14 **Q** Above the one we were just looking at, do you see a
15 \$5,000 transfer to a Tom Baker?

16 **A Yes, I do.**

17 **Q** Referencing Tommy Constantine?

18 **A Yes.**

19 **Q** Do you know who Tommy Baker is?

20 **A He's a lawyer in Arizona.**

21 **Q** Was he representing you in any lawsuit at this time?

22 **A Not that I know of.**

23 **Q** Did there come a time that you did engage Mr. Baker?

24 **A Yes, I did.**

25 **Q** Did you pay for Mr. Baker's services?

RONALD E. TOLKIN, RPR, RMR, CRR

RANFORD-DIRECT-MISKIEWICZ

2831

- 1 **A Yes, I did.**
- 2 **Q** When did that lawsuit begin? What year?
- 3 **A 2010, I believe it was.**
- 4 **Q** Well, in 2009, specifically February 2009, do you have
- 5 any reason to believe that you paid Mr. Baker any amount of
- 6 money?
- 7 **A No.**
- 8 **Q** I'm going to show you another exhibit that is in
- 9 evidence. Government Exhibit 1514. Again, for the record,
- 10 would you agree that this is similar to the other transfers
- 11 that you have been testifying about?
- 12 **A Yes.**
- 13 **Q** It says, in the middle, "Dear Charles Schwab, please wire
- 14 \$100,000 using the following instructions." And then there's
- 15 that same Johnson Bank account, correct?
- 16 **A Yes.**
- 17 **Q** In the name of Eufora, correct?
- 18 **A Correct.**
- 19 **Q** So what'd you do, in May 4th, 2009, you decided to pony
- 20 up another \$100,000 and put it into Eufora?
- 21 **A I did not.**
- 22 **Q** Did you know this happened?
- 23 **A Did I know it happened?**
- 24 **Q** Yes.
- 25 **A I knew nothing about this money.**

RANFORD-DIRECT-MISKIEWICZ

2832

- 1 **Q** When was the first time you saw this document?
- 2 **A When you guys showed it to me.**
- 3 **Q** When, approximately, would that have been? What year?
- 4 **A 2015.**
- 5 **Q** Did Mr. Kenner tell you that he was, in your name,
- 6 sending another \$100,000 to Eufora at or about this time?
- 7 **A He did not.**
- 8 **Q** I will show you what is in evidence as 2216. Here's that
- 9 Johnson Bank account. Focus your attention on the bottom of
- 10 that first page, if you can. For the record, tell us what
- 11 does it show by way of deposits?
- 12 **A It shows an incoming wire for 100,000 from William**
- 13 **Ranford at 598 West Lake.**
- 14 **Q** And that was address that you lived at?
- 15 **A Yes.**
- 16 **Q** Looking at page 3 of that exhibit, do you see \$100,000 in
- 17 transacted --
- 18 **A Yes.**
- 19 **Q** -- on the next day, 5/05.
- 20 **A To Timothy R. Gaarn.**
- 21 **Q** The spelling?
- 22 **A G-A-A-R-N.**
- 23 **Q** If I were to show you what is in evidence as Government's
- 24 Exhibit 2305, I'm looking at the deposit there on 5/05. You
- 25 see \$100,000 deposit coming in in the name of Eufora?

RANFORD-DIRECT-MISKIEWICZ

2833

- 1 **A Yes, I do.**
- 2 **Q** Focusing your attention on page 4 of 10 of that bank
- 3 statement on 4/28, do you see a \$95,000 transaction going out?
- 4 **A Yes. To the benefit of Phil Kenner sent to Bank of**
- 5 **America.**
- 6 **Q** Did you know that was happening when it occurred?
- 7 **A I did not.**
- 8 **Q** Not to belabor the point, but if I were to show you any
- 9 Wachovia account in the name of Timothy Gaarn during this
- 10 period of time, 2009 I'll say, would you have known about any
- 11 of it?
- 12 **A No. The first I heard his name was today.**
- 13 **Q** If I were to show you, let me be clear, on Exhibit 2306,
- 14 also in evidence, a page within that, page 4 of 10 and an
- 15 \$85,000 transaction coming out of the Gaarn account to Phil
- 16 Kenner, did you know that was happening at that time?
- 17 **A No.**
- 18 **Q** Let's talk about something about the Global Settlement
- 19 Fund Fund, did you ever hear of that?
- 20 **A Yes.**
- 21 **Q** What do you know about it?
- 22 **A The Global Settlement Fund Fund was a fund put together**
- 23 **to try and recover the Mexico property that I was involved in,**
- 24 **and trying to tie me up in Eufora, the two investments I was**
- 25 **involved in.**

RANFORD-DIRECT-MISKIEWICZ

2834

- 1 **Q** Who brought the Global Settlement Fund Fund to your
- 2 attention?
- 3 **A Phil Kenner.**
- 4 **Q** Do you remember if it was on the phone or in a meeting?
- 5 **A It would have probably bee first off on the phone, but we**
- 6 **had a personal meeting.**
- 7 **Q** Where was that, if you recall?
- 8 **A One meeting would have been in Los Angeles. And then a**
- 9 **second meeting would have been at my home in British Columbia.**
- 10 **Q** Is that near Vancouver?
- 11 **A Yes. It's a suburb of Vancouver.**
- 12 **Q** Was Mr. Kenner alone or did he have anyone with him when
- 13 he discussed the Global Settlement Fund Fund?
- 14 **A He was alone.**
- 15 **Q** What, if anything, did he tell you the purpose of the
- 16 Global Settlement Fund Fund would be?
- 17 **A Well, there was a lot going on with the Mexico property**
- 18 **involving Mr. Jowdy. And you know, in order to recover my**
- 19 **investment they had to raise more funds in order to settle**
- 20 **that. And then, obviously, we weren't that far into the**
- 21 **Eufora dealings. You know, money was due for it.**
- 22 **Q** When you say a lot was going on with respect to the
- 23 Mexico dealings and Mr. Jowdy, who told you that?
- 24 **A Phil did.**
- 25 **Q** On your own, did you have any personal knowledge about

RANFORD-DIRECT-MISKIEWICZ

2835

1 whether anything was going on regarding your money in Mexico?
2 **A No, just what Phil told me.**
3 **Q** Have you ever meet Ken Jowdy?
4 **A At that time, no. I still haven't.**
5 **Q** Now, I think you said at the beginning of your testimony
6 you invested \$250,000 in Mexico, in that development run by
7 Jowdy, correct?
8 **A That's correct.**
9 **Q** Did you decide to invest in the Global Settlement Fund
10 Fund?
11 **A Yes, I did.**
12 **Q** And how much did you decide to contribute in the Global
13 Settlement Fund Fund?
14 **A \$100,000.**
15 **Q** I'm showing you what has been received by stipulation in
16 evidence as Government's 1506. Do you see that on the screen
17 in front of you?
18 **A Yes, I do.**
19 **Q** It's another one of the these wire transfer instructions.
20 **A Yes. Wire \$100,000 and the following wiring**
21 **instructions. It's from William Ranford and my Charles Schwab**
22 **account.**
23 **Q** Again, it's signed Phil Kenner as attorney, in fact, for
24 William Ranford, correct?
25 **A That is correct.**

RANFORD-DIRECT-MISKIEWICZ

2836

1 **Q** Did you know that this was happening at the time that it
2 was happening?
3 **A Yes.**
4 **Q** You wanted it. You decided to contribute to this Global
5 Settlement Fund Fund, correct?
6 **A Well, yes. I invested, you know, quite a lot of money.**
7 **I was hoping to get a return on the investment. That's what**
8 **it was brought to me as, an investment. And I was hoping for**
9 **a return under the circumstances of the financial talks in**
10 **order to make it happen. They were trying to raise some more**
11 **funds in order to fund it.**
12 **Q** Did you understand what, if anything, the money was going
13 to be used for?
14 **A My understanding was for the legal costs in order to**
15 **finalize the Mexico deal and the Eufora deal.**
16 **Q** What was there to finalize about the Eufora deal?
17 **A I'm not sure.**
18 **Q** What did Mr. Kenner tell you?
19 **A Just that there is -- you know, in order to get the**
20 **patent finalized and I guess documents finalized.**
21 **Q** So you understood that your \$100,000 was going to go
22 to -- for basically two purposes. One, to finalize what need
23 to be done in Mexico and finalize whatever needed to be done
24 with respect to Eufora?
25 **A That's correct.**

RANFORD-DIRECT-MISKIEWICZ

2837

1 **Q** You got that information from who?
2 **A Phil Kenner.**
3 **Q** I'll show you, now, another exhibit in evidence by
4 stipulation. Government's 1505. July 13, 2009. It's another
5 one of these wire transfer record, is that correct?
6 **A Yes, it is.**
7 **Q** It's in your name, Mr. Ranford, isn't that correct?
8 **A Yes, it is.**
9 **Q** Will you tell us where the money is coming out of?
10 **A Coming out of my Charles Schwab account and the following**
11 **wire transfer with the First Century Bank.**
12 **Q** The same bank account for Ron Richards that we saw in the
13 prior exhibit?
14 **A I didn't look that closely at the address, sir.**
15 **Q** This is a paper copy of 1506, the one that was on the
16 screen a minute ago.
17 **A Yes.**
18 **Q** Can you compare the -- compare account number on that to
19 the one that is on the screen there? To Ronald Richards?
20 **A Yes, sir, everything is the same.**
21 **Q** \$300,000, what did you do? You decided we're going to
22 sue, or do whatever in Mexico and Eufora, you contributed
23 \$100,000. So you figured you would throw another \$300,000 in
24 there a couple of months later?
25 **MR. LaRUSSO: Your Honor, I object to the leading.**

RANFORD-DIRECT-MISKIEWICZ

2838

1 **THE COURT: Sustained.**
2 **Q** Did you authorize that \$300,000?
3 **A I did not.**
4 **Q** Did you know that it happened when it happened?
5 **A I did not.**
6 **Q** You invested how much in Mexico?
7 **A 250.**
8 **Q** This transaction actually happened, and you added it to
9 the one that is in front of you, that would have been how much
10 money all together going to Ron Richards?
11 **A That would have been 400,000.**
12 **Q** As you sit here today, do you have any doubt as to
13 whether or not you wanted at some point to contribute \$400,000
14 to the Global Settlement Fund Fund?
15 **MR. HALEY: Your Honor, I object to the leading**
16 **questions.**
17 **THE COURT: It is a follow-up to the last question.**
18 **So I will allow it. You can answer that.**
19 **A It doesn't make sense to me, to put \$400,000 in to**
20 **recover just over \$400,000. It doesn't make a lot sense to**
21 **me. There's no way I would have agreed to an additional**
22 **\$300,000 after originally investing 100. So I know nothing**
23 **about this wire transfer.**
24 **Q** Did there come a time, if you recall, getting an e-mail
25 from somebody acknowledging your contribution to the Global

RANFORD-DIRECT-MISKIEWICZ

2839

1 Settlement Fund Fund? Do you recall that?
2 **A Official documents, I don't remember receiving. So if**
3 **that is what you're asking, no, I never received that. That**
4 **was one of the things that I was trying to get from Mr.**
5 **Kenner, was the documentation on not only Mexico but also on**
6 **Eufora.**
7 **Q** Okay. I will show you what is being marked for
8 identification purposes as Government 6601. Do you recognize
9 that document?
10 (Handing.)
11 **Q** You see 6601 there in front of you?
12 **A Yes, I do. It's an e-mail from my accountant to**
13 **Mr. Kenner's Gmail account.**
14 **Q** And that's your e-mail address; correct?
15 **A Yes.**
16 **Q** No question that that is an e-mail exchange between you
17 and Mr. Kenner in or about July 16, 2009; correct?
18 **A Correct.**
19 **Q** And it is referencing the Global Settlement Fund Fund;
20 correct?
21 **A Yes, the 100,000 wire transfer.**
22 MR. MISKIEWICZ: The government moves for the
23 admission of Exhibit 6601.
24 MR. HALEY: Judge, I'm sure I have seen in amongst
25 the documents. May I take a look at it first?

RANFORD-DIRECT-MISKIEWICZ

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1 MR. LaRUSSO: No objection, Your Honor.
2 (Handing document to Mr. Haley to review.)
3 MR. HALEY: No objection, Judge.
4 THE COURT: 6601 is admitted.
5 (So marked as Government Exhibit 6601 in evidence.)
6 **Q** Can you read the first sentence referencing -- the first
7 sentence of Mr. Kenner's --
8 **A It says, "Per our conversation, please acknowledge your**
9 **approval and authorization for me to have wire transferred**
10 **\$100,000 to attorney Ron Richards' trust account."**
11 **Q** Okay. And it continues, "for the contribution for the
12 Global Settlement Fund Fund," correct?
13 **A Correct.**
14 **Q** And this is what date?
15 **A This is July 16, 2009.**
16 **Q** Again, I'm not going to go over it line by line, but if
17 the e-mail continues and says, "By the way, in addition, you
18 will get an interest in things like Eufora, Avalon Air Park
19 real estate project, Falcon 10 aircraft, the two Palms
20 condominium units," would that be material that you thought
21 you were buying into when you contributed the \$100,000 for the
22 Global Settlement Fund Fund?
23 **A No. My \$100,000 was for -- to put towards the Mexico**
24 **deal and Eufora. That is my -- you know, with Tommy, this is**
25 **my first introduction to Tommy Constantine. And the real**

RANFORD-DIRECT-MISKIEWICZ

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1 **estate and the aircraft and the Palms condominiums, to my**
2 **understanding, were with Tommy Constantine.**
3 **Q** Did you ever use any of those Palm condominium units?
4 **A No. I had asked, not long after, about using the**
5 **condominiums in Vegas and they weren't available any longer.**
6 **Q** Who did you ask?
7 **A Phil Kenner.**
8 **Q** What did Mr. Kenner tell you?
9 **A That him and Tommy Constantine were in a dispute over**
10 **Eufora and the properties were no longer available.**
11 **Q** What about the Falcon 10 aircraft. Did you want a piece
12 of the Falcon 10 aircraft?
13 **A No.**
14 **Q** Or Air Park and real estate property?
15 **A No. My money was going toward the fight for Mexico and**
16 **the two investments I had money in.**
17 **Q** And again, this is dated July 16, 2009. I am showing you
18 on the overhead projector Government 1505, this is a wire
19 transfer for \$300,000. Was that before or after this e-mail?
20 **A This would have been after.**
21 **Q** You mean the e-mail would be after the wire transfer.
22 Which is first, the e-mail or the wire transfer?
23 **A Well, the e-mail was obviously first. I am sorry.**
24 **July 13th was the wire transfer, the e-mail was July 15th.**
25 **Q** And does the e-mail make any reference to \$400,000?

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2842

1 **A It does not.**
2 **Q** What does it say?
3 **A It says the 100,000.**
4 **Q** Now, did you ever get any updates, information about any
5 resolution of any issue having to do with the development of
6 the property in Mexico run by Mr. Jowdy from the defendants?
7 **A Yes, I did.**
8 **Q** What did you find out?
9 **A I was getting probably quarterly updates, either verbally**
10 **over the phone. We had the meeting. You know, the last**
11 **meeting would have been about November 2013. You know, just**
12 **updates on, you know, they're getting -- the last meeting that**
13 **I had with Phil was at a Starbucks in -- I guess the area**
14 **would be kind of the Manhattan Beach area.**
15 **Q** Manhattan Beach where?
16 **A In California. I was working in California at the time,**
17 **and Phil and I sat down. And he went through, you know, the**
18 **Mexico property, that they were getting closer and closer.**
19 **They felt that Jowdy was going to be arrested. There was some**
20 **political changes that he felt were to benefit us in finally**
21 **getting the Mexico deal closed. And you know, the Eufora**
22 **deal, you know, was also getting very close.**
23 **So in my mind, when we met, the last time I met with**
24 **Phil, you know, there was a glimmer of hope that, you know, I**
25 **was going to hopefully recover my investment. I was still**

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1 inquiring about the paperwork on Eufora, which that was tied
2 up with Mr. Constantine. And obviously I was looking for the
3 paperwork on Mexico. And Phil mentioned his hard drive had
4 crashed and he was in the process of recovering that.
5 Q When was this meeting?
6 A This was around November in 2013, two weeks before he was
7 arrested.
8 Q And when his hard drive crashed, he said --
9 MR. HALEY: I object. That is what he testified to.
10 I object.
11 MR. MISKIEWICZ: I have a follow-up question.
12 THE COURT: Overruled. Go ahead.
13 Q He said his hard drive had crashed. Did he specify what
14 kind of computer he was talking about? Was it a laptop or --
15 A My understanding, it was a laptop. But I -- I am not
16 positive on that. I think I might have just assumed that that
17 is what it was.
18 Q And, well, earlier in your answer today you said he went
19 over things with you in this meeting.
20 A Yes.
21 Q By that, did he show you documentation or did he show
22 you -- what did go over with you? What did he say show you?
23 A He really didn't show me a lot. It was just more verbal.
24 I got the e-mail showing, I'm thinking it might have been
25 Jowdy. I never met Mr. Jowdy, so I don't even know what he

RANFORD-DIRECT-MISKIEWICZ

2844

1 looks like. But he sent me photos, you know, of the
2 Federales, a police car on a road overlooking the ocean. I'm
3 guessing that was possibly the property in Mexico.
4 You know, he was very, you know, forthright in
5 discussing the things. I never heard -- my biggest issue was
6 not getting the documentation. That was my frustration, I am
7 a bit of a paper rat. And, you know, this was really starting
8 to drag on. And I just -- it was important for my own need,
9 you know, for the disputes between Mr. Kenner and other
10 clients continued to grow. I just felt I needed to have my
11 own peace of mind.
12 Q So did you get your peace of mind in the form of a piece
13 of paper that reflected an ownership interest in, let's say,
14 Eufora?
15 A I did not. He was arrested two weeks later. Obviously
16 the paper wasn't recovered in time from his computer.
17 Q You thought there was paperwork?
18 A I have no idea. I have never seen any paperwork.
19 Q If you made your investment of \$250,000 in Eufora in
20 2008, the exhibit that you were looking at earlier, Government
21 Exhibit -- I am sorry -- \$200,000.
22 Looking at Government Exhibit 1512. You're meeting
23 him in November or late 2013, in those -- in that five-year
24 period you didn't get any documentation about your ownership
25 in Eufora?

RANFORD-DIRECT-MISKIEWICZ

2845

1 MR. HALEY: I object. Leading.
2 THE COURT: Sustained as to leading.
3 A I did not receive --
4 Q No. It was sustained.
5 A Okay.
6 Q Let me give you another question. Between 2008 and 2013,
7 did you receive any documentation from Mr. Kenner reflecting
8 your stock ownership in Eufora?
9 A I did not.
10 Q To this day, do you know whether or not you -- to this
11 day, do you know what happened to your money?
12 A I do not.
13 Q Have you gotten anything in return for your investment in
14 Eufora?
15 A No.
16 Q Do you know what happened to your \$100,000 that you
17 decided to contribute to the Global Settlement Fund Fund?
18 A Ultimately that went toward the legal fees in order to
19 recover the property in Mexico and Eufora. That is all I was
20 told.
21 Q But Mr. Ranford, do you know what happened to any of that
22 money?
23 A No. I don't know where it went to, no.
24 Q Do you know what happened to the \$300,000 that came out
25 of your account about a month later in July of 2009?

RANFORD-CROSS-HALEY

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1 A I do not.
2 MR. MISKIEWICZ: May I have one moment.
3 No further questions.
4 THE COURT: Any cross-examination?
5 MR. HALEY: Your Honor, if I may, I have to make a
6 copy of a document. If I may approach.
7 THE COURT: Yes.
8 CROSS EXAMINATION BY
9 MR. HALEY:
10 Q "I am a bit of a paper rat." That's what you just said a
11 short moment ago. Is that correct, Mr. Rucchin?
12 A No, I'm Mr. Ranford.
13 Q Is that correct, Mr. Ranford?
14 A Yes.
15 Q And by that term -- by the way, all of you hockey
16 players, you have the same physique. And that's to your
17 credit?
18 A That's quite all right.
19 Q And you are not wearing jerseys and you're not wearing
20 numbers. And my mistake, I apologize --
21 A No problem.
22 Q -- for the misstatement.
23 A No problem.
24 Q "I am a bit of a paper rat," what do you mean by that?
25 A Well, I try and keep as much paperwork as possible on, as

RANFORD-CROSS-HALEY

2847

1 far as my bank records and that sort of thing, when I pay my
2 bills. I guess when -- the biggest issue as a professional
3 athlete is you have to worry of being audited. So I try to
4 hold on to whatever I can.
5 Q So if you get a letter, let's say, from a bank, you will
6 retain it, correct?
7 A Most times. I do have e-mails. One of the issues that I
8 had when I started working with the -- the Kings in 2006 --
9 from 2006 to 2009 all of my e-mails, the hard drive crashed
10 and I had no access to any e-mails between 2006 and 2009.
11 Q Well, you had access to e-mails on February 20, 2012,
12 correct?
13 A February --
14 Q Yes, February 20th, 2012.
15 A I should have, yes.
16 Q Was your e-mail address brandford@lakings.com?
17 A Yes, it was, and still is.
18 Q Let's start at the beginning. Very early on in your
19 testimony you were asked a question about \$250,000 that you
20 had, at Phil's recommendation, sent out and never received any
21 acknowledgement with reference to that \$250,000. Never any
22 writings; is that correct? Do you recall that testimony?
23 A Correct.
24 Q Sir, kindly take a look at this document here, it's
25 marked K-86. I'll simply ask you if it bears your e-mail

RANFORD-CROSS-HALEY

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1 address, sir?
2 A Yes, it does.
3 Q Is that an e-mail, sir, that you received on or about
4 February 20th, 2012, at 10:40 a.m., sent to your e-mail
5 address from A Robert Gaudet?
6 A Yeah. That's what it says, yes.
7 MR. HALEY: Your Honor, I'd offer this as Kenner
8 Exhibit 86.
9 MR. MISKIEWICZ: No objection.
10 MR. LaRUSSO: May I look at it first?
11 MR. HALEY: Here.
12 (Handing to counsel.)
13 MR. LaRUSSO: No objection, Your Honor.
14 THE COURT: Without objection, 86 is admitted.
15 (So marked as Defendant Kenner Exhibit 86 in
16 evidence.)
17 Q Now, you should have a screen in front of you, sir. Can
18 you seen it on your screen? Or not, sometimes it's
19 nonfunctioning. The screen above you?
20 A Yes. I don't see it on my screen.
21 Q Do you see it now, sir?
22 A Yes, I do.
23 Q For the purposes of the record, we can agree that as far
24 as that e-mail is concerned, it is from Bob Gaudet, dated
25 February 20, 2012, at 10:54 a.m.. That's what it says,

RANFORD-CROSS-HALEY

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1 correct?
2 A Yes.
3 Q Bill, your name is -- your short first name is Bill,
4 correct?
5 A That is correct.
6 Q You've been known to introduce as Bill at times to
7 persons?
8 A Yes, that is correct.
9 Q And we can agree, sir, that it reads as follows
10 (reading):
11 "Bill, please find attached a copy of an
12 acknowledgement receipt for your \$250,000. Also attached is a
13 copy of a survey map for the property signed by the seller. I
14 understand Phil will be providing you with further updates.
15 Please feel free to contact me anytime. Sincerely, Bob
16 Gaudet." With a cell phone number. That's what it reads,
17 correct?
18 A Correct.
19 Q I won't read the balance of it into the record because,
20 again, speaks for itself, sir. But it goes on to say
21 acknowledgment receipt, is that true? Acknowledgment receipt,
22 do you see that?
23 A I see it at the bottom, yes.
24 Q It purport to say received from Bill Ranford, a wire
25 transfer received March 20, 2009, in the amount of \$250,000

RANFORD-CROSS-HALEY

2850

1 representing a total of 1.3585 percent interest in property
2 holding company. That's what it says, does it not?
3 A Yes, it does.
4 Q Would that -- withdrawn.
5 MR. HALEY: Can I see the Government Exhibit as to
6 the power of attorney authorization.
7 MR. MISKIEWICZ: You want all of them?
8 MR. HALEY: Yes. There are four of them.
9 (Handing.)
10 Q Sir, in or about July of 2009, did you reside at 598 West
11 Lake Samish Drive, Bellingham, B-E-L-L-I-N-G-H-A-M, Washington
12 98229?
13 A No, I did not.
14 Q Where did you reside at or about that period of time?
15 A 106 Fifth Avenue, New Westminster, British Columbia.
16 Q Was there ever a period of time where you resided and had
17 a mailing address of 598 West Lake Samish Drive, Bellingham,
18 Washington?
19 A It is a summer property.
20 Q A summer property owned by whom?
21 A By me.
22 Q Have you ever received mail at that summer property?
23 A Yes, I have.
24 Q And because you are a "paper rat," if you received mail
25 at your summer home that had to deal with a banking

2851

1 transaction, I take it that you would retain that, is that
2 correct?
3 **A Yes, I would. Sometimes it might be two or three months**
4 **before I could actually get to the mail. Some of my Charles**
5 **Schwab mail was going to that address, yes.**

6 MR. HALEY: Your Honor, only because the witness is
7 saying certain things, can I use the copier?

8 THE COURT: Why don't we take the lunch break.

9 MR. HALEY: Very well. Thank you, Your Honor.

10 THE COURT: We will take a shorter lunch break
11 today. Let's come back at 1:45. We'll end early today.
12 Don't discuss the case and have a good lunch.

13 (Whereupon the jury leaves the courtroom at 1:00
14 p.m.)

15 I'll see you at 1:45. We will take a lunch break.

16 (Whereupon a lunch recess was taken.)
17
18
19
20
21
22
23
24
25

1 ahead, Mr. Haley.

2 MR. HALEY: Thank you, Judge.

3 CROSS-EXAMINATION

4 BY MR. HALEY: (Continued)

5 **Q** Mr. Ranford, shortly before we finished, you
6 confirmed that you had a summer home for some period of
7 time in Bellingham --

8 **A Washington.**

9 **Q** Is that correct?

10 **A Yes.**

11 **Q** I will ask you to look at a document marked Kenner
12 Exhibit 87.

13 **A Yes.**

14 **Q** -- admitted into evidence pursuant to stipulation.

15 THE COURT: It's already in evidence.

16 MR. HALEY: Pursuant to stipulation.

17 MR. MISKIEWICZ: No objection.

18 THE COURT: Mr. LaRusso?

19 MR. LARUSSO: No objection, your Honor.

20 THE COURT: Kenner 87 is admitted.

21 (Whereupon, Defendant's Exhibit 87 was received
22 in evidence.)

23 **Q** I just want you to see it. You will see it on the
24 screen in a moment, sir. Okay?

25 **A Yes.**

Official Court Reporter

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1 **AFTERNOON SESSION**

2
3 THE COURT: How do we feel giving the jury an
4 estimate saying that the Government will rest sometime the
5 end of next week and the defense case will expect to take
6 one to two weeks?

7 MR. HALEY: My case will not.

8 MR. LARUSSO: I have about 10 to 12 witnesses.
9 I'm meeting today with Mr. Conway and will be able to go
10 through it. I will give you a correct estimate but it has
11 to be at least three or four days.

12 THE COURT: And you believe how long?

13 MR. HALEY: Two, three days at tops.

14 MR. LARUSSO: I will try to make it shorter.

15 MR. HALEY: I think it is clear that we'll
16 finish in June, that may be the latter part of June for
17 the jury.

18 THE COURT: I'll not go into that detail. I'll
19 say the Government will rest next week and the defense is
20 estimating one to two weeks.

21 MR. LARUSSO: That's good, Judge.

22 THE COURT: All right. Let's bring in the jury.

23 (Whereupon, the jury at this time enters the
24 courtroom.)

25 THE COURT: All right. Please be seated. Go

OFFICIAL COURT REPORTER

2854

1 **Q** Now, we can agree, can we not, sir, that on your
2 direct examination you testified without hesitation, you
3 were questioned about this particular \$300,000 wire as
4 represented by 1505, was never authorized by you. Do you
5 recall that testimony?

6 **A That's right, yes.**

7 **Q** In reference to what is Kenner Exhibit 87, just for
8 purposes of the record, we can agree, can we not, sir,
9 this is a Charles Schwab statement. You did have an
10 account at Charles Schwab, did you not, sir?

11 **A Yes.**

12 **Q** Indeed that account is represented by 1505,
13 Government's Exhibit, was account number 2106-9285; is
14 that correct?

15 **A Correct.**

16 **Q** And Government's Exhibit -- Kenner Exhibit 87,
17 references account number 2106-9285; is that correct?

18 **A Yes.**

19 **Q** And though the exhibit speaks for itself, sir, and
20 will be available as an exhibit for ultimately the jury's
21 consideration, for purposes of the record, we can agree
22 that the document itself reflects a transfer of \$300,000
23 on July 13, 2009, is the date of the Schwab letter, and
24 that's also the date on Government's Exhibit 1505,
25 correct?

Official Court Reporter

Ranford - Cross/Haley

2855

1 **A Correct.**

2 **Q** And in reference to that exhibit, Kenner Exhibit 87,
3 just for purposes of the record: Below is a description
4 of the transaction and if you do not recognize this
5 transaction or if you have any other questions regarding
6 the transaction, please contact us immediately at the
7 telephone number above.

8 And indeed there is a telephone number, is it
9 there not, sir: 1 (800) 515-2157. Is that true?

10 **A Yeah, I never saw this document.**

11 **Q** Sir, my question was --

12 **A Yes, I see what you've read at the bottom, correct.**

13 **Q** You did understand my question?

14 **A Yeah. I can read it.**

15 **Q** Okay. The Government will have an opportunity, sir,
16 when I'm finished to ask you questions but --

17 **A Yes, I agree with what you read there, yes.**

18 **Q** Sir, is there some other transaction involving your
19 Charles Schwab account that occurred on July 13, 2009, in
20 the amount of \$300,000 that we should be aware of?

21 **A Not that I know of, no.**

22 **Q** Now, you were interviewed by agents of the Federal
23 Bureau of Investigation back in 2012, were you not,
24 telephonically where they called you on the phone and they
25 asked you questions about matters you testified to today.

Ranford - Cross/Haley

2856

1 Isn't that true?

2 **A Yes.**

3 **Q** And back in 2012, I take it it was your desire,
4 intent, goal, to answer to the best of your ability the
5 questions presented to you by agents of the Federal Bureau
6 of Investigation based upon your memory of events as they
7 existed in 2012, correct?

8 **A Correct.**

9 **Q** And, sir, you have a recollection, or isn't it true,
10 that the first telephone interview occurred on or about
11 July of 2012 and the second interview occurred on or about
12 September 7, 2012?

13 **A Yeah, that sounds about right.**

14 **Q** And in July of 2012, were you living at New
15 Westminster, British Columbia?

16 **A Yes.**

17 **A I was commuting, between Westminster and my address
18 and Los Angeles.**

19 **Q** And in July of 2012, while living that the location,
20 had you been playing for the LA Kings for the last seven
21 years?

22 **A No.**

23 **Q** How long?

24 **A I never played for the LA Kings.**

25 **Q** What does that mean, LA Kings. What does that mean?

Ranford - Cross/Haley

2857

1 **A LA Kings Hockey Club.**

2 **Q** I misspoke. So the LA Kings Hockey Club is an
3 organization you are familiar with, true?

4 **A Yes, it is.**

5 **Q** How long had you been with the LA Kings Hockey Club
6 in or about July of 2012?

7 **A Probably I worked for them as a coach for about six
8 years.**

9 **Q** Okay. Could it have been maybe six or seven years to
10 the best of your recollection in July of 2012?

11 **A Would have been around 2006 season was when I was
12 hired.**

13 **Q** After the telephone interview of July 2012, with
14 reference to the telephone interview that occurred in
15 September of 2012, during that period of time, you were
16 asked questions about Eufora. And isn't it true, sir,
17 that you told the agents that were interviewing you over
18 the phone that Phil Kenner told you Eufora is a credit
19 card company, correct?

20 **A Correct.**

21 **Q** That Phil Kenner told you that it was a good
22 investment, correct?

23 **A Correct.**

24 **Q** And that Phil Kenner told you that a bunch of his NHL
25 players were also invested in Eufora, is that true?

Ranford - Cross/Haley

2858

1 **A Correct.**

2 **Q** As relates to that conversation, isn't it true that
3 you told them that in July of 2008, you invested \$200,000
4 in Eufora?

5 **A Correct.**

6 **Q** And that conversation continued, did it not, when you
7 went further and told them that there were several times
8 you invested in Eufora, specifically 2009, \$100,000 in
9 February. And in 2009, \$100,000 in May. Isn't it true
10 that you made --

11 **A I made one investment in Eufora.**

12 **Q** Sir, my question is -- let's back up.

13 Did you understand when you were speaking with
14 the FBI, sir, as you said a moment ago that it was
15 important that you describe to them to the best of your
16 memory in 2001, all of the information requested of you
17 with reference to Eufora, correct?

18 **A Yes.**

19 **Q** Did you have an understanding, sir, to your knowledge
20 at that point in time that you had a legal obligation to
21 answer the questions of a federal agent truthfully and if
22 you did not do so, you would be committing actually a
23 federal offense?

24 **A I did not know that, no.**

25 **Q** Sir, isn't it true that during the course of that

Ranford - Cross/Haley

2859

1 telephone interview with the FBI on or about September 12,
 2 2012, you told them that you invested \$100,000 in February
 3 of 2009 in Eufora, and \$100,000 in May of 2009 in Eufora?
 4 **A I don't remember saying that, no.**
 5 **Q** Well, when you say you don't remember saying that, we
 6 can agree, sir, that events that transpired between
 7 yourself and Phil Kenner, those two events would be as
 8 true as they are in 2012 as they are on June 4, 2015. Can
 9 you agree with that statement?
 10 **A Yes. You are asking me to remember something that**
 11 **happened many years ago. I'm trying to respond to the**
 12 **best of my recollection.**
 13 **Q** I know that is what you are saying.
 14 **A As I stated, I made --**
 15 **Q** Sir, the question has to be presented to you and
 16 you'll be given an opportunity to ask questions. The
 17 Government will have an opportunity to follow up with any
 18 of my questions.
 19 So my question, going back to the original one,
 20 did you or did you not tell the FBI in your telephonic
 21 interview in September of 2012, that you invested \$100,000
 22 into Eufora in February of 2009, and you later invested
 23 another \$100,000 in Eufora in May of 2009. Did you tell
 24 him that, yes or no?
 25 **A I'm saying I don't remember, so I guess, no.**

Ranford - Cross/Haley

2860

1 **Q** Now, with reference to that telephone interview, that
 2 was conducted of you in September of 2012, isn't it true
 3 that you also told the FBI that you contributed \$300,000
 4 to -- to what was described as GSF?
 5 **A No, what I told -- from what I can remember, I said I**
 6 **invested 100,000 in the Global Settlement Fund Fund, GSF.**
 7 **Q** So it's your testimony that in September of 2012, you
 8 did not tell the FBI that you invested \$300,000 in GSF,
 9 correct?
 10 **A Correct.**
 11 **Q** We can agree, sir, that there came a point in time
 12 where you became involved as relates to what I'll call a
 13 litigant, and if you don't know what that word means I'll
 14 define it, with respect to a bankruptcy proceeding filed
 15 by Tommy Constantine, is that true?
 16 **A Yes, that is correct.**
 17 **Q** And you filed, and it's called a pleading, a legal
 18 document by which you made some claim as relates to that
 19 bankruptcy proceeding, vis-à-vis, Tommy Constantine's
 20 bankruptcy filing; is that correct?
 21 **A Correct.**
 22 **Q** And Phil Kenner, sir, assisted you in filing that
 23 claim, didn't he?
 24 **A Yes, he did.**
 25 **Q** As a matter of fact, sir, do you recall that Phil

Ranford - Cross/Haley

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1 Kenner filed the filing fee for you on your behalf and you
 2 later reimbursed him for that filing fee. Do you recall
 3 that?
 4 **A No, I don't.**
 5 **Q** Well, sir, do you have any memory of reimbursing Phil
 6 Kenner on or about February 23, 2013, for that filing fee,
 7 and I may have misspoke, the amount of \$300?
 8 **A I don't remember.**
 9 **When Phil would come to me and present things to**
 10 **me, my understanding that Phil was representing me on my**
 11 **behalf so I trusted Phil if that's what he was doing. So**
 12 **if that's what -- if I reimbursed him, then I did, but I**
 13 **don't recollect that, no.**
 14 **I remember him talking to me about the document**
 15 **regarding the Tommy Constantine bankruptcy, but as far as**
 16 **the transaction of reimbursing the filing fee, I don't**
 17 **remember that.**
 18 **Q** But you have an understanding that Phil Kenner was
 19 assisting you in that regard --
 20 **A -- But.**
 21 **Q** -- No, you have to let me finish.
 22 Did you have an understanding that Phil Kenner
 23 was assisting you in that regard in order to protect your
 24 interest. Was that your understanding?
 25 **A I felt from 2006 to 2013, and before he was arrested,**

Ranford - Cross/Haley

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1 **that Phil Kenner was looking out for me on my behalf. So**
 2 **I agree, yes. He was my financial advisor. I trusted**
 3 **him. He was looking out for my best interest.**
 4 **When a disagreement between him and Tommy**
 5 **Constantine came about, I figured he was looking out for**
 6 **my best interest and that's why he filed for the**
 7 **litigation against Tommy Constantine.**
 8 **Q** At that point in time you were in agreement with that
 9 recommendation by Phil Kenner, true?
 10 **A Yes, I'm trying to recover on my investment. Yes,**
 11 **for sure. Yes.**
 12 **Q** Now, when you say up until his arrest, sir, we can
 13 agree, can we not, an arrest is proof of nothing, isn't
 14 that true?
 15 **A I can --**
 16 **Q** Sir --
 17 **A Yes.**
 18 **Q** -- is it your position, sir, that when a person is
 19 arrested -- I'll withdraw the question.
 20 How did you learn that Phil Kenner was arrested.
 21 Who told you?
 22 **A I heard it. I can't remember who, it was just a**
 23 **fellow teammate, and then I received an e-mail from Matt**
 24 **Galioto informing me that it happened.**
 25 **Q** Was that teammate who provided you the information

| | |
|--|---|
| <p style="text-align: center;">Ranford - Cross/Haley</p> <p style="text-align: right;">2863</p> <p>1 that Phil Kenner was arrested, was that person Brian</p> <p>2 Berard?</p> <p>3 A No, I don't think so. No.</p> <p>4 Q I know John Kaiser is not a hockey player, correct?</p> <p>5 A No, he's not.</p> <p>6 Q But you've had interaction with John Kaiser, hadn't</p> <p>7 you?</p> <p>8 A I have not.</p> <p>9 Q Well, John Kaiser means something to you, the name?</p> <p>10 A The name, but I've never met John Kaiser.</p> <p>11 Q But you were asked on direct about an Arizona lawsuit</p> <p>12 involving John Kaiser; is that correct?</p> <p>13 A That's correct. I saw John Kaiser for the first time</p> <p>14 last week, never met him before, didn't even know what he</p> <p>15 looked like until I saw him in the courtroom.</p> <p>16 MR. MISKIEWICZ: Objection. May we approach,</p> <p>17 your Honor?</p> <p>18 THE COURT: Yes.</p> <p>19 (Whereupon, at this time the following took</p> <p>20 place at the sidebar.)</p> <p>21 (Continued.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: center;">Ranford - Cross/Haley</p> <p style="text-align: right;">2865</p> <p>1 (In open Court.)</p> <p>2 MR. HALEY: May I have one quick moment, Judge.</p> <p>3 I don't mean to turn my back to the Court.</p> <p>4 THE COURT: Fine.</p> <p>5 Q I'm going to ask you to take a look at two documents,</p> <p>6 Kenner 87 and Kenner 88, your Honor, admitted by way of</p> <p>7 stipulation as Kenner exhibits?</p> <p>8 MR. MISKIEWICZ: Yes.</p> <p>9 THE COURT: Mr. LaRusso.</p> <p>10 MR. LARUSSO: No objection.</p> <p>11 THE COURT: Kenner 87 and 88 are admitted.</p> <p>12 (Whereupon, Defendant's Exhibit Kenner 87 and 88</p> <p>13 were received in evidence.)</p> <p>14 Q Actually why don't you look at both of them.</p> <p>15 Sir, putting what is K 87 up on the screen, and</p> <p>16 the document speaks for itself, but we can agree, sir, it</p> <p>17 is dated February 6, 2009, and bears what is already on</p> <p>18 the record your account number at Charles Schwab, true?</p> <p>19 A Yes.</p> <p>20 Q As you look at Government's Exhibit 1513, does the</p> <p>21 document I showed you a moment ago as Kenner 87 and</p> <p>22 Government's Exhibit 1583, seem to have a correlation?</p> <p>23 A Yes.</p> <p>24 Q Is there any other transactions, sir, that we should</p> <p>25 be aware of that occurred with reference to your Schwab</p> |
| <p style="text-align: center;">Ranford - Cross/Haley</p> <p style="text-align: right;">2864</p> <p>1 MR. MISKIEWICZ: The reason I raised this, I</p> <p>2 don't believe I elicited anything from the witness about a</p> <p>3 lawsuit. I elicited from him that he knew who John Kaiser</p> <p>4 was and he said he had a business investment through</p> <p>5 Kenner from which he knew Mr. Kaiser. I assume he was</p> <p>6 referencing the fact as Mr. Kaiser was saying he signed</p> <p>7 some promissory notes and I elicited from him with respect</p> <p>8 to one of the Wachovia accounts money that went to Tom</p> <p>9 Baker who now currently is his attorney in the Paradise</p> <p>10 Valley lawsuit, but like he said, that occurred later.</p> <p>11 I'm just objecting. I'm anticipating we'll get into the</p> <p>12 whole Paradise Valley promissory note thing. We've</p> <p>13 objected to all of that.</p> <p>14 MR. HALEY: To the point, I can get my notes,</p> <p>15 and my notes are not entirely accurate but I do pay</p> <p>16 attention.</p> <p>17 I believe Mr. Miskiewicz did ask him</p> <p>18 specifically about the Arizona lawsuit having brought an</p> <p>19 Arizona lawsuit.</p> <p>20 MR. MISKIEWICZ: No.</p> <p>21 MR. HALEY: Judge, quite frankly that's my</p> <p>22 recollection. It is so relatively immaterial, I'll</p> <p>23 withdraw my question rather than spend time on it.</p> <p>24 MR. MISKIEWICZ: Thank you.</p> <p>25 (End of sidebar conference.)</p> | <p style="text-align: center;">Ranford - Cross/Haley</p> <p style="text-align: right;">2866</p> <p>1 account on February 6, 2009, that involved \$100,000?</p> <p>2 A No.</p> <p>3 Q And like the previous document, this one also</p> <p>4 contains the next steps language and I will not read it</p> <p>5 into the record.</p> <p>6 A No, no argument there.</p> <p>7 Q I will ask you to take a look at Kenner Exhibit 88,</p> <p>8 that is the document entitled Charles Schwab and we agree</p> <p>9 that references your account number, is that true?</p> <p>10 A That's correct.</p> <p>11 Q Can we agree, sir, that Kenner Exhibit 88 has a</p> <p>12 correlation between Kenner Exhibit 15 -- Government's</p> <p>13 Exhibit 1514?</p> <p>14 A Yes.</p> <p>15 Q Is there any other transactions, sir, we should be</p> <p>16 aware of that occurred --</p> <p>17 A No.</p> <p>18 Q You have to let me finish.</p> <p>19 Is there any other --</p> <p>20 THE COURT: Let him finish the question.</p> <p>21 Q Is there any other transaction, sir, that we should</p> <p>22 be aware of that concerned your Schwab account on May 4,</p> <p>23 2009, that involved a transfer of \$100,000?</p> <p>24 A No.</p> <p>25 Q Does the phrase "private placement" mean anything to</p> |

Ranford - Cross/Haley

2867

1 you?
2 **A No.**
3 **Q** Did you have an understanding that when you were
4 investing in Eufora, you were investing in a privately
5 held company as opposed to a corporation whose stock is
6 listed on the New York Stock Exchange.
7 Do you have any understanding?
8 **A Of that, no, I have no understanding. I was just**
9 **investing in a company that Phil Kenner thought was a good**
10 **investment.**
11 **Q** Did you have an understanding as to what LLC meant,
12 sir, Limited Liability Corporation? Yes or no?
13 **A No.**
14 MR. HALEY: May I have a moment, Judge?
15 Your Honor, I have no further questions of this
16 witness.
17 THE COURT: Thank you.
18 Mr. LaRusso?
19 MR. LARUSSO: Thank you, your Honor.
20 (Continued.)
21
22
23
24
25

Ranford - Cross/LaRusso

2869

1 telephone conversation you had with law enforcement, I
2 believe you mentioned Mr. Galioto was one party to that
3 telephone conversation --
4 **A Correct, yes.**
5 **Q** -- And that occurred sometime back in 2012, correct?
6 **A Yes, that's correct.**
7 **Q** Do you remember telling Agent Galioto in that
8 telephone conversation that you actually gave \$300,000 to
9 the Global Settlement Fund Fund in July of 2009?
10 **A I don't remember stating that, no.**
11 **Q** All right. Let me show you these three pages. You
12 can look at all three but I'll direct your attention to
13 one portion or two portions. The first portion is up here
14 and again please read whatever you feel is necessary, and
15 then I'll direct your attention to this area here.
16 My question will be very simple. After looking
17 at these notes or looking at these documents, does it
18 refresh your recollection that in July of 2012 you
19 actually told Agent Galioto that 300,000 was given by you
20 to GSF, Global Settlement Fund Fund, in July of 2009.
21 Please just look at that.
22 **A I don't remember saying that to Mr. Galioto, no, I**
23 **don't. Obviously the notes were taken. I just don't**
24 **remember saying that because I don't remember investing**
25 **that amount of money.**

Ranford - Cross/LaRusso

2868

1 CROSS-EXAMINATION
2 BY MR. LARUSSO:
3 **Q** I was going to say Rucchin, but I'll say Ranford.
4 How are you?
5 **A Good.**
6 **Q** My name is Bob LaRusso, I represent Mr. Constantine.
7 The question is have you ever met him before?
8 **A Never have.**
9 **Q** That's Mr. Constantine. (Indicating.)
10 Mr. Ranford, just so we all understand, you did
11 communicate with a person that you understood was Tommy
12 Constantine; is that correct?
13 **A By e-mail. I did receive a few e-mails from him,**
14 **yes.**
15 **Q** And you also spoke with him on the telephone on
16 occasion?
17 **A Never did.**
18 **Q** How about conference calls?
19 **A No, not that I can remember, no.**
20 **Q** Okay.
21 I will talk to you a few minutes about your
22 contribution to the Global Settlement Fund Fund.
23 **A Yes.**
24 **Q** And I hope not overly repeat what has already been
25 discussed with the jury. But do you remember in that

Ranford - Cross/LaRusso

2870

1 **Q** Would it be fair to say, and tell me if I'm wrong
2 obviously, that your recollection would have been better
3 back in 2012 than it would be today as you are testifying
4 here.
5 Do you agree with that?
6 **A Well, my recollection, yes, but it would have been**
7 **even better in 2009 when I was doing the investing.**
8 **That's the thing. I put my, you know, my faith in**
9 **Mr. Kenner that he had my back in the investments that he**
10 **brought to me were good investments and that, you know,**
11 **that hopefully in the long run they would work out.**
12 **That's all I can say.**
13 **Q** Well, let me take you back to 2009 when you tell us
14 that you have a good recollection or a little better
15 recollection because of the investments you were involved
16 in.
17 **A I never said I had a better recollection, I'll not**
18 **lie there. No, I don't have a better recollection.**
19 **That's a long time ago. I do not have a better**
20 **recollection.**
21 **What I stated was if it was back in 2009, I'd**
22 **feel a lot better about it.**
23 **Q** Wouldn't you agree with me documents generated at or
24 about that time would be more reliable than your memory as
25 to what actually transpired?

Ranford - Cross/LaRusso

2871

- 1 **A For sure, and I never received any documentation and**
2 **that was my frustration in this whole process.**
3 **Q** Now, this document, I believe, earlier today you
4 identified, this is 1506, as an authorized transfer of
5 \$100,000 to the Global Settlement Fund Fund; is that
6 correct?
7 **A Correct.**
8 **Q** And this is June 5th of 2009?
9 **A Yes, that's correct.**
10 **Q** And we know it is coming or it's going to Mr. Ron
11 Richards' account; is that correct?
12 **A Correct.**
13 **Q** And it is coming from your Charles Schwab account?
14 **A That's correct.**
15 **Q** No doubt about that document. That's one we can rely
16 upon?
17 **A Well, yes, I never personally seen the document but**
18 **I'm agreeing with you that that's what it says.**
19 **Q** Okay. Let me ask you a couple of questions about
20 this initial contribution that you made.
21 Do you remember at any point in time after you
22 had made that contribution, speaking to Mr. Constantine on
23 the telephone?
24 **A No, I don't.**
25 **Q** Do you have any recollection of Mr. Constantine

Ranford - Cross/LaRusso

2872

- 1 telling you that he's going to return that 100,000 to you?
2 **A No.**
3 **Q** Do you have any recollection that Mr. Constantine
4 told you that because there was no authorization for it,
5 you will be returned the 100,000?
6 **A No.**
7 MR. MISKIEWICZ: Objection.
8 THE COURT: Overruled.
9 **A No, I don't remember that, no.**
10 **Q** I will show you --
11 MR. LARUSSO: Your Honor, at this time I'll
12 offer, assuming there is no objection from counsel, a
13 banking record marked C 177.
14 MR. MISKIEWICZ: No objection.
15 THE COURT: Mr. Haley, any objection.
16 MR. HALEY: No, sir.
17 THE COURT: C 177 is admitted.
18 (Whereupon, Defendant's Exhibit C 177 was
19 received in evidence.)
20 **Q** Mr. Ranford, again these are documents that have been
21 stipulated to, bank records.
22 Do you see up in the left-hand corner Law
23 Offices of Mr. Richards. This is dated June 30, '09,
24 page 1 of 3. Do you see that?
25 **A Yes, I do.**

Ranford - Cross/LaRusso

2873

- 1 **Q** And directing your attention to the highlighted
2 portion in deposits, it says 6/05, wire transfer from
3 William Ranford, 598 West, \$100,000?
4 **A Yes.**
5 **Q** You agree with me that is the contribution you made
6 to the Global Settlement Fund Fund on June 5th?
7 **A Yes.**
8 **Q** By the way, do you know what 598 West means?
9 **A 598 West Lake Samish Drive, that's the address where**
10 **the Charlie Swab statements were going to, the summer**
11 **address.**
12 **Q** Do you see the highlighted one there, on the second
13 page?
14 **A Yes.**
15 **Q** Wire transfer June 12th, to Charles S-C-H-W-A-D &
16 Company, \$100,000?
17 **A Yes.**
18 **Q** Do you have a recollection seven days after you sent
19 your \$100,000, receiving back \$100,000?
20 **A No.**
21 MR. LARUSSO: Your Honor, it's all right we'd
22 like to introduce another banking or financial record.
23 MR. MISKIEWICZ: No objection.
24 MR. HALEY: No objection, Judge.
25 MR. LARUSSO: Your Honor, this is marked C-180,

Ranford - Cross/LaRusso

2874

- 1 and I'll publish it to the jury.
2 THE COURT: C 180 is admitted.
3 (Whereupon, Defendant's Exhibit C 180 was
4 received in evidence.)
5 **Q** Mr. Ranford --
6 **A Yes.**
7 **Q** I heard something that you like to keep paperwork?
8 **A Yes.**
9 **Q** Especially financial records?
10 **A Well, I kept them. Probably I'm guilty of not**
11 **obviously reading them with what has gone on in the last**
12 **few months, not reading them close enough.**
13 MR. LARUSSO: I hope you are not like me when I
14 look for financial records. I can't find them when I need
15 them.
16 MR. MISKIEWICZ: Objection.
17 MR. LARUSSO: I apologize.
18 **Q** I will show you what has been received as C 180.
19 I'll turn this just a little bit to the side here for a
20 minute. Do you see the name William Ranford?
21 **A Yes.**
22 **Q** With the address there?
23 **A Yes.**
24 **Q** Is that your home address?
25 **A That is my current address.**

Ranford - Cross/LaRusso

2875

1 Q And this is the Charles Schwab account we've been
2 talking about?
3 A **That's correct.**
4 Q Now, let's talk about the period here. I believe it
5 is June 1st to June 30, 2009.
6 A **Yes.**
7 Q And I'm going to direct your attention to page 6 of
8 10, and I may have to reduce this.
9 A **I can see it.**
10 Q Do you see the first entry over here, June 5th, paid,
11 wired out, 100,000?
12 A **Yes.**
13 Q That's the contribution you made, correct?
14 A **Correct.**
15 Q Do you see what is down here?
16 A **Yes.**
17 Q June 12th, funds received, wired funds received,
18 100,000?
19 A **Yes.**
20 Q Having looked at the wire transfer to a Schwab
21 account in Ron Richards' account 6/12, and now looking at
22 another 100,000 on the same day you received THAT into
23 your account, does that refresh your recollection that
24 your initial \$100,000 investment was returned by Ron
25 Richards five days after you made your first contribution?

Ranford - Cross/LaRusso

2876

1 A **No.**
2 Q You would agree --
3 A **I'm not arguing with what it says there.**
4 Q That's my point. You wouldn't argue with the
5 documentation.
6 A **No, I don't.**
7 Q Just so that we can see, I don't have the ability to
8 put it up side-by-side, but the Ron Richards' account
9 shows, 6/12, 100,000 going to the Charles Schwab account,
10 correct?
11 A **Correct.**
12 Q And your Charles Schwab account has 100,000 in it on
13 the same day?
14 A **Yes.**
15 Q It doesn't refresh your recollection?
16 A **No.**
17 Q If these documents reflected the return of that
18 money, then the 400,000 you talked about would be 300,000,
19 is that correct -- I'll withdraw that, Judge.
20 That is something that can be looked at with the
21 documents.
22 Now, I think you were reading into this question
23 and I hope not to belabor this. You don't recall
24 participating in any conference call with Mr. Constantine
25 and/or any hockey players regarding the Global Settlement

Ranford - Cross/LaRusso

2877

1 Fund Fund?
2 A **No.**
3 Q Do you recall receiving e-mails from Mr. Constantine
4 on certain occasions?
5 A **I remember receiving e-mails from him but I don't**
6 **really remember -- if I can recall there was one time I**
7 **was looking for paperwork on Eufora. That's the only time**
8 **I can really remember.**
9 Q I know it's a long time back but see if you can take
10 a look at these two documents.
11 A **Yes.**
12 Q C 169 and C 177 for identification?
13 A **Yes.**
14 Q Does it refresh your recollection by these documents
15 that not only did you get notice from Mr. Constantine of
16 conference calls regarding the Global Settlement Fund Fund
17 but you responded to him on one occasion not actually
18 being available and later being available.
19 You are shaking your head.
20 Do you recognize these e-mails?
21 A **I don't recognize the e-mails, but my e-mail is on**
22 **it. I do not recall doing any conference calls. I just**
23 **don't remember doing any conference calls.**
24 Q Do you remember talking with Mr. Constantine about
25 your unavailability on one occasion?

Ranford - Cross/LaRusso

2878

1 A **I don't but if it is there in writing, I don't**
2 **recall.**
3 Q You don't dispute these are e-mail communications
4 between you and Mr. Constantine?
5 A **My name is on there but I don't recall -- I'm seeing**
6 **Mr. Constantine for the first time, I've never talked to**
7 **him, and that's all I can say.**
8 **I'm not disputing the e-mails because they are**
9 **there in black and white but I don't recall the conference**
10 **call.**
11 MR. LARUSSO: 177 and 169. May I offer them?
12 MR. MISKIEWICZ: No objection.
13 MR. HALEY: No objection.
14 THE COURT: They are admitted.
15 (Whereupon, Defendant's Exhibit C 177 and C 169
16 were received in evidence.)
17 Q I will just display the first one, C 169, just the
18 upper portion. This is marked conference call 4 on the
19 left.
20 Do you see that?
21 A **Yes.**
22 Q Do you agree it is your e-mail address?
23 A **I don't see it be it says: Tommy, I was traveling,**
24 **so I was not able to be on the call. Can you send me a**
25 **summary of what happened? Thanks, Bill.**

Ranford - Cross/LaRusso

2879

1 MR. MISKIEWICZ: Your Honor --
 2 MR. LARUSSO: 169 I'm referring to, the other is
 3 177.
 4 MR. LARUSSO: Your Honor, a little later, there
 5 was an earlier exhibit marked 177 which is the bank
 6 records of Mr. Richards. We have this one marked 177.
 7 With your permission I'll mark it 177-1 that we received
 8 in evidence. It's an e-mail and I'll identify it in a
 9 minute.
 10 Q Just for the record, Mr. Ranford, Mr. Constantine is
 11 communicating with unknown recipients, obviously you were
 12 one of them, and he's asking if we have a call schedule
 13 for Sunday at 10, etcetera. You are responding that you
 14 were traveling?
 15 A Yes.
 16 Q And the new Exhibit C 177-1, is an e-mail the next
 17 day, October 28, 2009, again in reference to conference
 18 call 4, you to Mr. Constantine, and it says tomorrow after
 19 practice will work. Sometime between 1:00 and 2:00 p.m.
 20 Let me know if that works.
 21 Does that refresh your recollection then that
 22 you were at least communicating at least trying to
 23 communicate in a conference call with Mr. Constantine?
 24 A No.
 25 Q You were pretty busy then?

Ranford - Cross/LaRusso

2880

1 A To be honest, I don't remember. I still don't
 2 remember talking to him.
 3 Q All right. Now, you told us that your conversations
 4 regarding the contributions to the Global Settlement Fund
 5 Fund were with Mr. Kenner, not with Mr. Constantine?
 6 A Correct.
 7 Q And you never spoke with him before you made a
 8 contribution and never met with him until you saw him in
 9 court today?
 10 A Correct.
 11 Q Do you remember receiving any other kinds of e-mail
 12 communications from Mr. Constantine regarding aspects of
 13 the Global Settlement Fund Fund?
 14 A Not that I can recollect. I mean I may have.
 15 Q Do you remember being party to a group e-mail of
 16 other hockey players receiving updates from
 17 Mr. Constantine on the progress of the Global Settlement
 18 Fund Fund?
 19 A I don't recollect.
 20 Q Let me show you what has already been received in
 21 evidence as C 31, and do you remember receiving this
 22 e-mail on July 27, 2009. I got Mr. Rucchin (indicating).
 23 What was your e-mail address at the time. Do
 24 you remember?
 25 A branford@lakings.com.

Ranford - Cross/LaRusso

2881

1 Q I may not see that one. I apologize to you.
 2 A I don't see that there either. I don't remember
 3 seeing this letter.
 4 Q Let me show you what has been received in evidence as
 5 C 24. This is an e-mail November 9, 2009. Is that you,
 6 Mr. Ranford (indicating)?
 7 A Yes, it is.
 8 Q Take a look at that and read that to yourself?
 9 Q Do you remember receiving this e-mail -- let me help.
 10 There are some additional documents on the back from
 11 Mr. Sonnenblick. Would you like to see the whole exhibit.
 12 A I would just because ...
 13 Q Okay. (Handing).
 14 Having had an opportunity to look at it, have
 15 you received an e-mail regarding --
 16 A I don't remember seeing the e-mail but I believe that
 17 I have seen it leading up to today.
 18 Last week I was able through our AAG, our
 19 company in LA, they were able to find archived e-mails and
 20 this one was in there. So I guess I saw it last week for
 21 the first time that I remembered. I don't remember it
 22 before that.
 23 Q When you say they were able to retrieve it, if it was
 24 an e-mail sent back in November of 2009 when you were
 25 working for the LA Kings?

Ranford - Cross/LaRusso

2882

1 A Yes.
 2 Q Found on their server?
 3 A Yes.
 4 Q And as you understood, it was received at that time
 5 because it was found on the server; is that correct?
 6 A Yes.
 7 Q Would you agree with me in all likelihood you
 8 received this e-mail because you were working with the LA
 9 Kings in November of 2009?
 10 A I can't guarantee that, no.
 11 Q You can't positively say no either?
 12 A Yes, correct.
 13 Q Do you have a recollection at all, Mr. Ranford,
 14 around this time period, November of 2009, being told that
 15 an effort was being made to raise the moneys so that
 16 investors, Mr. Jowdy, may recoup some of their money?
 17 A Can you repeat that, please?
 18 Q Do you recall at or about this time efforts being
 19 made to recover money from Mr. Jowdy, particularly monies
 20 invested by you and others, and this was part of that
 21 effort?
 22 A Yes.
 23 Q The name Sonnenblick means nothing to you but you
 24 know there was some effort underway to do so; is that
 25 correct?

2883

1 **A Yes.**
 2 **Q** Sonnenblick.
 3 **A Sonnenblick, I recognize the name.**
 4 **Q** He was one of the potential funders to help
 5 accomplish that goal as far as you knew?
 6 **A I don't know what his role was, sorry.**
 7 **Q** Just a couple of questions with regards to your
 8 understanding of your Eufora interest.
 9 Had you ever heard of the name AZ Eufora
 10 Partners?
 11 **A Not until I've read it on the document. I wasn't**
 12 **really -- my understanding anytime Phil and I had talked**
 13 **about the Eufora investment, I never got into the actual**
 14 **legitimacy of the name.**
 15 **(Continued.)**

2884

1 **CONTINUED CROSS EXAMINATION**
 2 BY MR. LaRUSSO:
 3 **Q** So back when you made your investment, did you ever hear
 4 of the company known as AZ Eufora Partners?
 5 **A No.**
 6 **Q** Do you know a man by the name of Michael Stolper?
 7 **A Yes.**
 8 **Q** How do you know Mr. Stolper?
 9 **A He was involved in the dispute, I believe, with**
 10 **Mr. Constantine and Mr. Kenner over the Eufora contract.**
 11 **Q** Did you ever meet with Mr. Stolper?
 12 **A Did I ever meet with him?**
 13 **Q** Did you ever meet with Mr. Stolper? Did you ever talk to
 14 him?
 15 **A Not that I -- I think it was strictly all through e-mail.**
 16 **I don't remember talking to Mr. Stolper, no.**
 17 **Q** How did you come to e-mail Mr. Stolper?
 18 **A This is all dealings through Phil Kenner.**
 19 **Q** Did you form a relationship with Mr. Stolper, along with
 20 a number of other hockey players?
 21 **A No. I was just going along with the advice from**
 22 **Mr. Kenner in order to resolve my Eufora investment.**
 23 **Q** Well, do you remember signing the document agreeing for
 24 Mr. Stolper to represent you and Mr. Kenner and
 25 Mr. Constantine?

RONALD E. TOLKIN, RPR, RMR, CRR

1 **A Yes.**
 2 **Q** You along with other hockey players?
 3 **A There was a bunch of other hockey players on the**
 4 **document, yes.**
 5 **Q** I will show you what is marked for identification only.
 6 The separate page I'm going to show you is page 1, and ask you
 7 if that refreshes your recollection?
 8 **A Yes.**
 9 **Q** You've seen it before?
 10 **A I've seen it before, yes.**
 11 **Q** That is part of a document that you received from
 12 Mr. Stolper, is that correct?
 13 **A That's correct.**
 14 **Q** You signed another page of this document allowing him to
 15 represent you, is that correct?
 16 **A Yes.**
 17 **Q** This particular document you recognize, the documents are
 18 important, aren't they?
 19 **A Well, I mean, this is, you know, part of being naive on**
 20 **my part. I was -- this was -- you know, Mr. Kenner was giving**
 21 **me the advice. This was good to go. And once again, that's**
 22 **probably the thing I'm most guilty of, is I put my trust and**
 23 **my family's trust in Mr. Kenner. He was my financial advisor,**
 24 **he was representing my best interest.**
 25 **Q** This was part of what you felt was in your best interest

RONALD E. TOLKIN, RPR, RMR, CRR

2886

1 at the time?
 2 **A Correct.**
 3 **Q** You recognize this page because it lists all of the
 4 individuals, correct, who are participating in, one, asking
 5 Mr. Stolper to represent them in a suit against Mr.
 6 Constantine?
 7 **A Yes.**
 8 **Q** And all of the hockey players, you know these people
 9 either by playing with them or knowing them personally,
 10 correct?
 11 **A I know a few personally and then just from playing**
 12 **against them, yes.**
 13 **Q** Do you notice that all of the hockey players, including
 14 yourself, is listed on the AZ Eufora Partners?
 15 **A Yes.**
 16 **Q** Did anyone explain to you why your name is listed under
 17 AZ Eufora Partners?
 18 **A No.**
 19 **Q** Did you ask?
 20 **A No.**
 21 **Q** As you sit here today, do you understand now that your
 22 interest was Eufora was held in a company call AZ Eufora
 23 Partners?
 24 **A Did I know it?**
 25 **Q** Yes.

RONALD E. TOLKIN, RPR, RMR, CRR

RANFORD-CROSS-LaRUSSO

2887

1 A No.

2 Q But you didn't ask or inquire about that at the time?

3 A **Like I said before, my trust was in Mr. Kenner was**
4 **looking out for my best interest.**

5 Q By the way, with regard to your requesting Mr. Stolper to
6 represent you, did you negotiate a fee agreement with him?

7 A **I didn't personally, no.**

8 Q Did anybody, that you know of?

9 A **I have no idea. The document was presented to me through**
10 **Phil Kenner. I have no idea.**

11 Q You were never asked to contribute to his fee?

12 A **Not that I know of, no.**

13 Q Do you know how he was going to be paid?

14 A **I do not.**

15 Q Does it refresh your recollection that he would get a
16 percentage of what might be recovered?

17 A **Not to my recollection, no.**

18 Q In signing on, do you recall that part of the effort was
19 not only to sue Mr. Constantine, but to try and purchase a
20 loan that Eufora had which held the patent and oust
21 Mr. Constantine from control of the company?

22 A **I didn't know that. I didn't look that closely at what**
23 **the lawsuit was against him. I was taking advice from my**
24 **financial advisor.**

25 Q Okay. May I have that one document.

RANFORD-CROSS-LaRUSSO

2888

1 (Hanging.)

2 Q In regard to 37, the document that you authorized, will
3 you take a look at page 4, the highlighted portion. I will
4 ask you one or two questions.

5 (Hanging.)

6 Q Do you know a Mr. Gaarn or Mr. Gentry?

7 A **No.**

8 Q The page that you identified where you are listed as a
9 member under AZ Eufora Partners, did you notice the name of
10 Mr. Gentry and Mr. Gaarn?

11 A **No.**

12 Q Do you know whether they were involved in the suit that
13 you were party to against Mr. Constantine?

14 A **No.**

15 Q Were there any discussion about either of those two
16 gentleman being whistleblowers and being thrown out of Eufora
17 by Mr. Constantine?

18 A **No, not to my knowledge.**

19 Q I believe that you testified that you were involved in a
20 suit against Mr. Constantine in his bankruptcy. Do you
21 remember that?

22 A **Yes.**

23 Q Do you recall actually withdrawing that petition in that
24 suit within a week after it was filed?

25 A **No.**

2889

1 Q Just to be fair, you relied upon other people. You

2 weren't taking an active role in those activities?

3 A **No.**

4 Q You were following people's advice and doing what they
5 asked you to do?

6 A **I live a pretty simple lifestyle. I was a hockey player.**

7 **I coach. And that's why I hired Mr. Kenner to have my back.**

8 Q I'm glad you said that.

9 MR. MISKIEWICZ: Objection.

10 THE COURT: Disregard that.

11 Q Mr. Ranford, you testified that you hired a man by the
12 name of Mr. Baker. Do you remember that?

13 A **Yes.**

14 Q Without getting into the details, can you tell me, were
15 you being sued or were you suing somebody?

16 A **I was suing somebody.**

17 Q Who were you suing?

18 MR. MISKIEWICZ: Objection.

19 THE COURT: You have to approach if you're going to
20 go into this.

21 MR. LaRUSSO: Actually, it was raised by the other
22 side. I'm clarifying. Maybe I should come to the side-bar.

23 (Whereupon a side-bar conference was conducted.)

24 (Matter continued on the next page.)

25

2890

1 (Side-bar conference held.)

2 MR. LaRUSSO: I'm cutting my feet out from
3 underneath me, but this particular line of questioning has to
4 do with the suit he had against Kaiser and Berard. He was
5 suing them for monies that were owed to him on a promissory
6 note.

7 THE COURT: Related to what?

8 MR. LaRUSSO: One of the properties that really
9 isn't a part of this case.

10 MR. MISKIEWICZ: Paradise.

11 THE COURT: So why are we going into it?

12 MR. LaRUSSO: Because Mr. Kaiser and Mr. Berard
13 claim they didn't owe the money because of the Global
14 Settlement Fund monies. And in the end, they settled.

15 MR. MISKIEWICZ: Well, this is all outside the
16 record here. And that is not my understanding of the lawsuit.
17 My understanding of the lawsuit, Kaiser testified that he
18 signed promissory notes from Mr. Ranford, and he settled with
19 Mr. Ranford. Why did he issue a promissory note? He was
20 trying to complete the Paradise Valley house. He wasn't
21 getting any monies from Mr. Kenner to do so, and Ranford
22 signed a promissory note -- or he actually signed a promissory
23 note. Mr. Ranford never was told by Kenner. Mr. Ranford did
24 not give him any money. The promissory note.

25 THE COURT: Stop. This has nothing to do with your

RANFORD-CROSS-LaRUSSO

2891

1 client. It has nothing to do with the case.
 2 MR. LaRUSSO: The Global Settlement Fund Fund is the
 3 reason I was trying to get it out.
 4 THE COURT: If you want to question Mr. Berard about
 5 it in some way, I will consider it. It has nothing to do with
 6 this witness.
 7 MR. LaRUSSO: He's coming Monday. That's true.
 8 THE COURT: I will hear objection to Mr. Berard at
 9 that point.
 10 MR. LaRUSSO: There will be other ones.
 11 (Whereupon the side-bar conference was concluded.)
 12 (Matter continued on the next page.)
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RANFORD-REDIRECT-MISKIEWICZ

2893

1 **A From the updates with Mr. Kenner.**
 2 **Q** Did Mr. Kenner ever show you any photos of any
 3 development in Los Frailes?
 4 **A Yes.**
 5 **Q** Can you describe for the members of the jury, first of
 6 all, what did you see on those photos?
 7 **A It showed the golf course being developed. An air strip**
 8 **just being finished off. And then he just discussed -- I**
 9 **think there might have been one or two homes on it. And then**
 10 **just future building and potential hotels.**
 11 **Q** Were these like photographs or was he showing you on a
 12 tablet or a computer or something?
 13 **A I believe it was on a computer.**
 14 **Q** Do you know if it was photos he had on the computer on or
 15 was it on the Internet where he was going to?
 16 **A As far as I know, it was photos he had on the computer.**
 17 **Q** You have a clear recollection that this Los Frailes place
 18 had an air strip and a golf course?
 19 **A Correct.**
 20 **Q** Did you have any understanding as to whether -- based on
 21 what Mr. Kenner told you. Did you have any understanding
 22 whether or not Mr. Jowdy had anything to do with that?
 23 **A My understanding is that Mr. Jowdy was managing the**
 24 **property. He was doing the construction.**
 25 **Q** And again, is that based solely on what Mr. Kenner told

RANFORD-REDIRECT-MISKIEWICZ

2892

1 (Matter continued in Open Court.)
 2 CONTINUED CROSS EXAMINATION
 3 BY MR. LaRUSSO:
 4 **Q** Mr. Ranford, I think I may have misspoken. I think I
 5 asked you were you involved in paying Mr. Kenner regards to
 6 the lawsuit against Mr. Constantine. The question should have
 7 been, were you involved in paying Mr. Stolper. Your answer is
 8 no, is that correct?
 9 **A Not that I'm aware of.**
 10 MR. LaRUSSO: No further questions, Your Honor.
 11 Thank you.
 12 THE COURT: Any redirect?
 13 REDIRECT EXAMINATION
 14 BY MR. MISKIEWICZ:
 15 **Q** Mr. Ranford, you were asked by Mr. Haley a question about
 16 a document in evidence, Kenner 86.
 17 **A Yes.**
 18 **Q** What is the subdivision or the town in which this
 19 \$250,000 wire transfer related to?
 20 **A Los Frailes.**
 21 **Q** Does that have any significance to that town or
 22 subdivision? Had you ever heard of Los Frailes before?
 23 **A My understanding is that's the property in Mexico that I**
 24 **was invested in.**
 25 **Q** Where did you get that understanding from?

RANFORD-REDIRECT-MISKIEWICZ

2894

1 you?
 2 **A Yes, that is.**
 3 **Q** Anybody else tell that?
 4 **A No.**
 5 **Q** Now, this \$250,000 wire transfer in March of 2009, does
 6 that comport with your recollection of when you invested in
 7 Mexico?
 8 **A No.**
 9 **Q** When did you have any conversation, if you recall, with
 10 Mr. Kenner about investing in Mexico?
 11 **A My recollection is it was around 2006.**
 12 **Q** You testified that you had -- there was some issues
 13 regarding the LA Kings website.
 14 **A The server.**
 15 **Q** The server. But if you got, in March 20th, 2009, an
 16 indication that you had just wire transferred \$250,000 to Los
 17 Frailes, would you have taken note of that information?
 18 **A Yes.**
 19 **Q** What would you have done if you had known of it at the
 20 time?
 21 **A I would have contacted Phil and asked why the investment**
 22 **was going -- was showing up in -- other dates shown versus**
 23 **what I understood my money was being used, which I thought was**
 24 **earlier.**
 25 **Q** In the earlier --

RANFORD-REDIRECT-MISKIEWICZ

2895

1 **A 2006, yes.**

2 **Q** -- time frame, roughly 2006, did you get any further

3 indication of any confirmation that your investment, your

4 \$250,000 investment had gone through?

5 **A No.**

6 **Q** To this day?

7 **A I have no paperwork. That was a, you know, big**

8 **discussion with Phil. And I as far as I made the comment**

9 **about his computer hard drive had crashed when I was trying to**

10 **get not only the documentation for Eufora, but also for**

11 **Mexico.**

12 **Q** And that conversation was in late 2013?

13 **A Yes. That was the last time. We had verbally talked**

14 **about it over the phone before that. But that was the last**

15 **time we discussed it, was late in 2013.**

16 **Q** Now, you were also asked by Mr. Haley a series of

17 question about the FBI interview on the phone. Do you recall

18 those questions?

19 **A Yes, I do.**

20 **Q** That was in September of 2012, is that correct?

21 **A That is correct.**

22 **Q** Did you have any documentation in front of you at that

23 time?

24 **A No.**

25 **Q** You were still in touch with Mr. Kenner at that time,

RANFORD-REDIRECT-MISKIEWICZ

2896

1 were you not?

2 **A Yes, I was.**

3 **Q** Mr. Haley asked you a series of questions about if you

4 recall telling the FBI that you made a total of \$300,000

5 investment in Eufora. Do you remember the questioning?

6 **A I remember the question. I don't remember saying that I**

7 **it was \$300,000. I think that's where my confusion with**

8 **everything that was going on. That's why opened another red**

9 **flag for me to be in contact with Phil. First of all, one,**

10 **being called by the FBI. And number two, you know, what's**

11 **going on with my investments that I'm getting called by the**

12 **FBI.**

13 MR. MISKIEWICZ: One moment, Your Honor.

14 (Whereupon Mr. Miskiewicz confers with Mr. Haley.)

15 MR. MISKIEWICZ: With a stipulation of

16 Defendant Kenner, we're going to offer a portion of Government

17 3500-WR2.

18 (Whereupon Mr. Miskiewicz shows the exhibit to

19 Mr. LaRusso.)

20 MR. MISKIEWICZ: That's with the permission of the

21 entire defense.

22 MR. LaRUSSO: I have no objection.

23 MR. HALEY: The entire exhibit, I need time to look

24 at the entire exhibit before I consent to it.

25 MR. MISKIEWICZ: I think we have agreement as to one

RANFORD-REDIRECT-MISKIEWICZ

2897

1 portion.

2 MR. HALEY: We do.

3 MR. MISKIEWICZ: We would ask to return to the court

4 without taking any more time. We'll try to work out a final

5 stipulation about how much of the exhibit will go in.

6 THE COURT: Yes.

7 MR. HALEY: Thank you.

8 MR. MISKIEWICZ: Okay.

9 CONTINUED REDIRECT EXAMINATION

10 BY MR. MISKIEWICZ:

11 **Q** I'm going to show you a portion that we have an agreement

12 on, it's 3500-WR2.

13 THE COURT: For the record, this is a portion of

14 3500-WR2 in which there is an agreement, that is to show this

15 portion and admit it.

16 **Q** I'm showing you part of what Mr. Haley showed you

17 earlier.

18 **A Yes.**

19 **Q** Is that your handwriting?

20 **A Is that my handwriting?**

21 **Q** Yes.

22 **A It doesn't look like it.**

23 **Q** Do you know whose handwriting that is?

24 **A I do not.**

25 **Q** And whoever wrote this, do you know -- does it say there

RANFORD-REDIRECT-MISKIEWICZ

2898

1 anything -- withdrawn.

2 Do you know whoever wrote this, what did they intend

3 when they wrote it? In other words, were they attributing

4 this information to you or was this information they were

5 looking at on the phone, or do you have any information of

6 what any of that means?

7 MR. LaRUSSO: Your Honor, can we have a brief

8 side-bar. Probably easier to discuss before we get into the

9 legalities. It will only take a few seconds.

10 (Whereupon a side-bar conference was conducted.)

11 (Matter continued on the next page.)

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2899

1 (Side-bar conference.)
 2 MR. LaRUSSO: The only reason I brought it up,
 3 Judge, is we're dancing around this. We know that the agent
 4 knows. Why don't we just say it was taken on this day, and
 5 then the jury know how to put it in context. Let them make
 6 the decision. That's number one.
 7 Number two, Mr. Miskiewicz and I are still not
 8 certain about whether or not an additional portion would go
 9 in. I was going to say him this is what caused a little bit
 10 of a problem. The portion with the 300,000K will be the notes
 11 reflecting 300K. I have no problem putting it in, but I'd
 12 like the complete portion dealing with testimony to come in.
 13 That's is.
 14 MR. MISKIEWICZ: I had agreed to introduce the
 15 entire document.
 16 THE COURT: Give Mr. Haley a chance to review it.
 17 MR. LaRUSSO: I have no objection to the whole
 18 thing.
 19 MR. HALEY: Judge, if the government is going to
 20 take this witness down a path and suggest the circumstances
 21 under which these notes were taken and what they meant in
 22 terms of the agent's state of mind, I will object to that.
 23 THE COURT: I think this is the last question. I
 24 think the point is to say he doesn't know what he was
 25 intending. He wasn't there.

2900

1 MR. HALEY: Fine.
 2 THE COURT: Why don't we put a stipulation on the
 3 record of what this is.
 4 MR. HALEY: Yes. I have no objection to that.
 5 (Whereupon the side-bar conference was concluded.)
 6 (Matter continued on the next page.)
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2901

1 (Matter continued in Open Court.)
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RANFORD-REDIRECT-MISKIEWICZ

2902

1 (Matter continued in Open Court.)
 2 THE COURT: This will be a stipulation on the record
 3 what the notes are and what is admitted into evidence and what
 4 they are. Mr. Miskiewicz will cover it.
 5 MR. MISKIEWICZ: I will try to.
 6 THE COURT: These are the agent's notes from what
 7 date?
 8 MR. MISKIEWICZ: The Government would stipulate
 9 these are handwritten notes of an agent by the name of Scott
 10 Romanowski dated '09, September 7th, 2012. And it indicates
 11 it was a telephonic interview.
 12 THE COURT: I'll allow the one question that you
 13 asked the witness regarding that?
 14 MR. MISKIEWICZ: I would also stipulate he's not an
 15 agent, he's a criminal investigator.
 16 THE COURT: Okay. Do you have a question you want
 17 to ask?
 18 MR. MISKIEWICZ: Yes.
 19 CONTINUED REDIRECT EXAMINATION.
 20 BY MR. MISKIEWICZ:
 21 Q So back to what was on the screen. Very quickly,
 22 Mr. Ranford, do you have any idea what the agent was intending
 23 to say when he took that note?
 24 A It looks like he was --
 25 Q No, I'm asking you, do you know what did the agent or the

RANFORD-REDIRECT-MISKIEWICZ

2903

1 criminal investigator mean, Mr. Romanowski, when he wrote down
2 these words and these numbers?
3 **A I have no idea.**
4 **Q** But do you have a recollection of how many times you
5 invested in Eufora?
6 **A Yes.**
7 **Q** And what is your recollection?
8 **A My recollection is in I invested in Eufora once.**
9 **Q** Mr. LaRusso asked you is it true that your recollection
10 might be better five years ago than it is today. On this
11 issue whether you invested twice or once, do you have any
12 doubt?
13 **A There is no doubt in my mind I invested in Eufora once.**
14 **Q** For how much?
15 **A 100,000.**
16 **Q** I just have one more question. As to the exhibit from
17 Los Freilas that Mr. Haley showed you, I'm going to show you
18 what has been marked and received in evidence as Government's
19 Exhibit 1525. This is in addition, this is another one of
20 those wire transfer instruction sheets, correct?
21 **A Correct.**
22 **Q** Not one of the ones that you testified on direct earlier,
23 correct?
24 **A That is correct.**
25 **Q** And this guy who is Robert Gaudet, do you know who he is?

RANFORD-REDIRECT-MISKIEWICZ

2904

1 **A I've heard the name. I don't know who he is exactly, no.**
2 **Q** But then again, it comes out of your account, doesn't it?
3 **A Yes.**
4 **Q** And it is signed by Phillip Kenner, attorney in fact for
5 William Ranford?
6 **A Yes.**
7 **Q** Did you see this at the time?
8 **A No.**
9 **Q** That is at the time of the date therein, March 19, 2009?
10 **A No.**
11 **Q** Did you see that?
12 **A No.**
13 **MR. HALEY:** We object to this repetition of the
14 direct. That is my objection.
15 **THE COURT:** Overruled.
16 **Q** And March 19, 2009, that is one day after the
17 acknowledgment receipt that Mr. Haley showed you on March 20,
18 2009, correct?
19 **A Yes.**
20 **Q** So if we add up the wire transfer instructions that have
21 Mr. Kenner's names on them, in your name, there is a
22 February 6th -- I'm going -- let me just jump to this.
23 If these wire transfers add up to, including your
24 initial \$250,000 mid 2000 wire transfer investment in Mexico,
25 assume for the purposes of my question that all added up to

RANFORD-RECROSS-HALEY

2905

1 \$1.1 million, the 250 plus the wire transfers that you
2 testified about all day today, plus what is left, how much of
3 that \$1.1 million have you seen back?
4 **A Zero.**
5 **Q** Do you have any idea where that money is?
6 **A No.**
7 **MR. MISKIEWICZ:** Thank you. No further questions.
8 **RECROSS EXAMINATION**
9 **BY MR. HALEY:**
10 **Q** "Without a doubt, I invested no more than \$100,000 in
11 Eufora." That was your testimony no less than three or
12 four minutes ago, correct, sir?
13 **A That is correct.**
14 **Q** Sir --
15 **THE COURT:** What exhibit is this on the screen?
16 **MR. HALEY:** This is 3500-WRS2.
17 **Q** This is another portion of the notes?
18 **A Correct.**
19 **MR. HALEY:** I apologize for not stating that for the
20 record.
21 **Q** Sir, I am showing you what I asked you questions about
22 during the telephone in interview, you told the agents that
23 Phil Kenner told you about the credit card company, correct?
24 **A That is correct.**
25 **Q** Told you about the investment, correct?

RANFORD-RECROSS-HALEY

2906

1 **A Yes.**
2 **Q** Told you that it was a bunch of hockey players that were
3 investing, correct?
4 **A That is correct.**
5 **Q** Did you misspeak a moment ago when you said "Without a
6 doubt it was no more than \$100,000 that I invested in Eufora"?
7 **A Yes, I did, yes.**
8 **Q** That --
9 **A I was mixed up between Eufora and Global Settlement Fund.**
10 **Q** We can agree, sir, that that information that is
11 contained on that part of the document that you're looking at
12 is consistent with information that was known to you in or
13 about September of 2012, correct? Yes or no?
14 **A On what date?**
15 **Q** In or about September of 2012.
16 **A September, yes.**
17 **Q** Did Phil Kenner tell you that you should related that
18 information to the FBI? When you say you have a conversation
19 with him, when you called him up to say, hey, the FBI told me
20 this? Is that what you're thinking when you say that's what
21 Phil Kenner told you to say?
22 **A No, that was my recollection at the time of the**
23 **interview, how much I invested in Eufora.**
24 **Q** When you had the conversation that you say that you had
25 with Phil Kenner before you were interviewed by the FBI, did

RANFORD-RECROSS-HALEY

2907

1 you take note of that conversation, so you knew what to tell
2 the FBI based on what Phil Kenner was telling you?
3 **A I had no idea that the FBI was contacting me until they**
4 **contacted me. I -- Phil and I didn't discuss the FBI calling**
5 **me.**
6 **Q** Oh, I thought you said that after you were contacted by
7 the FBI and called up Phil --
8 **A Afterwards.**
9 **Q** It's my problem. Afterwards. It is my fault.
10 After you spoke to the FBI on September 2012 you
11 told me you spoke to Phil Kenner, correct?
12 **A Yes.**
13 **Q** So it is not a fact that Phil Kenner in any way told you
14 what to say in advance of September of 2012, correct?
15 **A That is correct.**
16 MR. HALEY: Apologize.
17 THE WITNESS: No problem.
18 MR. HALEY: It was my fault. Thank you.
19 MR. LaRUSSO: One moment, Your Honor.
20 Your Honor, I'm just going to put up a portion of
21 the agent's notes. I'm going to show the first part here, the
22 3500-WR2. Bill Ranford. William E. Ranford.
23 On the second page, I will read it into the record
24 with your permission, Your Honor.
25 THE COURT: Okay.

RANFORD-RECROSS-LaRUSSO

2908

1 MR. LaRUSSO: It is (reading):
2 "GSF. Explained Jowdy issues in Mexico. Stuck
3 financially with legal bills. Need help financially." Arrow
4 to the right, "BR supposed to get a piece of Mexico for
5 putting money in GSF." Going to the left of that portion, "BR
6 300" -- I'm sorry, "300,000." It's actually "\$300K." "Gave to
7 GSF July 2009. Monies to GSF in exchange for the 300K." Then
8 the last line to the far left, "BR never invested in Mexico."
9 Your Honor, just one question.
10 RECROSS EXAMINATION
11 BY MR. LaRUSSO:
12 **Q** When you say "northern," is that the northern part of
13 Mexico that you were talking about? If you did, if you
14 remember?
15 **A No, I don't -- I don't -- I don't know what part I was**
16 **invested in Los Freilas. That's all I know.**
17 **MR. LaRUSSO: I have no further questions, Your**
18 **Honor.**
19 THE COURT: You can step down, Mr. Ranford. Thank
20 you.
21 (Witness excused.)
22 THE COURT: Let's go a few more minutes if you have
23 somebody.
24 MS. KOMATIREDDY: The Government calls Chris
25 Manfredi.

MANFREDI-DIRECT-KOMATIREDDY

2909

1 THE COURT: We will go for 15 minutes, if that's
2 okay.
3 Mr. Manfredi, come up to the witness stand over
4 here, and remain standing once you get there.
5 Please raise your right hand.
6 (Witness sworn.)
7 THE WITNESS: I do.
8 C H R I S M A N F R E D I
9 called as a witness, having been first
10 duly sworn, was examined and testified
11 as follows:
12 THE COURT: Please be seated. State your name and
13 spell the last name for the record.
14 THE WITNESS: Christopher Manfredi.
15 M-A-N-F-R-E-D-I.
16 DIRECT EXAMINATION BY
17 MS. KOMATIREDDY:
18 **Q** Mr. Manfredi, good afternoon.
19 How are you?
20 **A Okay.**
21 **Q** Sir, what do you do for a living?
22 **A I'm sorry?**
23 **Q** What do you do for a living?
24 **A Currently a coffee industry professional.**
25 **Q** Where do you live?

MANFREDI-DIRECT-KOMATIREDDY

2910

1 **A Primarily in Hawaii.**
2 **Q** When did you first move to Hawaii?
3 **A I started travelling to Hawaii in early 2002, and was**
4 **more or less commuting back and forth to Long Island where I**
5 **grew up. Then at some point there came a time I was spending**
6 **more time in Hawaii than in New York.**
7 **Q** All right. In 2002, tell us about your trip there, where
8 did you go?
9 **A I was with a friend and we visited the Big Island. We**
10 **were on our way to see the volcano at night. We happened to**
11 **cross a real estate office that was open late. It was a small**
12 **town. And it was really the only thing that was open. It was**
13 **a vacation, essentially.**
14 **Q** Who was this friend?
15 **A John Kaiser.**
16 **Q** When you went to this real estate office, did you see any
17 real estate?
18 **A Not that night, but the next day we did.**
19 **Q** What did you do?
20 **A We saw a few small parcels that were kind of far from the**
21 **ocean and not particularly interesting. The reason why we**
22 **went back to it the next day is because it was dark and we saw**
23 **some signs on the wall that were interesting, and we were**
24 **getting ready to leave, and a realtor offered us an**
25 **opportunity to see a parcel of land that was being liquidated**

MANFREDI-DIRECT-KOMATIREDDY

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1 **buy a sugar plantation with the caveat that she had one last**
2 **thing to show us, but we had to buy what she called a lot of**
3 **it.**

4 Q What was a lot?

5 A **That piece was 250 acres with panoramic ocean views.**

6 Q Did that piece come to have a name?

7 A **At that time we called it 258, because it was 258 acres.**

8 Q What did you call it?

9 A **It was later renamed to Little Honu'apo.**

10 Q What does that mean?

11 A **Little, L-I-T-T-L-E, second word Honu'apo, H-O-N-U,**
12 **apostrophe A-P-O.**

13 Q All right. You said it had ocean views, right?

14 A **Yes.**

15 Q I am going to show you -- at this time the Government
16 moves Exhibit 907 by stipulation of the parties.

17 MR. LaRUSSO: No objection.

18 MR. HALEY: No objection.

19 THE COURT: 917 is admitted.

20 (So admitted as Government Exhibit No. 917 in
21 evidence.)

22 Q Publishing it for the jury.

23 What are we looking at, sir?

24 A **I'm sorry?**

25 Q Can you look at the screen in front of you? You see the

MANFREDI-DIRECT-KOMATIREDDY

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1 photo?

2 A **Yes.**

3 Q What is that?

4 A **That's a representative view from Honu'apo.**

5 Q Who took that photograph?

6 A **I believe I did.**

7 Q So you're up there, you're looking at this land, what do
8 you do next?

9 A **We entered into a contract to purchase it.**

10 Q What were the terms of the contract?

11 A **The sale price was, I think, 725,000. We put a thousand**
12 **dollar deposit, as I recall. And we had an extended period to**
13 **close. The seller needed to survey the property and make sure**
14 **the title was clear.**

15 Q So did you, in fact, close on the property?

16 A **Yes.**

17 Q How long did that take?

18 A **It was close to a year, maybe a little more.**

19 Q Tell us about what happened in the year between when you
20 found the property and ended up at the closing?

21 A **As I said, I was on the vacation. When the vacation was**
22 **over, we returned to New York. And I was pretty excited about**
23 **it, it seemed like a good opportunity. One of those once in a**
24 **lifetime type of opportunities that you pay attention to. I**
25 **was talking to friends and clients and acquaintance and family**

MANFREDI-DIRECT-KOMATIREDDY

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1 **about the property and what opportunities it might hold.**

2 Q You said clients. What business were you in on Long
3 Island at the time?

4 A **I owned and operated a high-end automobile business,**
5 **sales and service.**

6 Q What developed from those conversations?

7 A **I eventually met -- one of my clients made an**
8 **introduction to an individual who indicated that they would be**
9 **able to provide financing.**

10 Q Who would that be?

11 A **Phil Kenner.**

12 Q Did you ultimately come to meet him in person?

13 A **Yes.**

14 Q Would you recognize if you saw him today?

15 A **Yes.**

16 Q Do you see that person in court today?

17 A **Yes.**

18 MR. HALEY: We concede identification.

19 THE COURT: Okay.

20 Q In your first few conversations with Mr. Kenner, what did
21 he tell you about himself, who he was?

22 A **I can't hear you.**

23 Q In your first few conversation with Mr. Kenner, what did
24 he tell you about himself?

25 A **He represented himself as a money manager for**

MANFREDI-DIRECT-KOMATIREDDY

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1 **professional athletes and celebrities.**

2 Q Did he give you any additional information about his
3 background?

4 A **He indicated that he had a corporate job that had**
5 **recently ended and he was out on his own. He said a number of**
6 **his clients were professional hockey players.**

7 Q Did he send anything about himself?

8 A **I'm sorry?**

9 Q Did he send you anything about himself?

10 A **I saw an article at one point.**

11 Q I'm going to hand you what's in evidence as Government
12 726-L, ask you if you recognize this.

13 A **Yes.**

14 Q What do you recognize this to be?

15 A **It's a Money magazine. There's an article where**
16 **Mr. Kenner is featured.**

17 Q Is this the article that he sent to you at some point
18 when you were getting to know him?

19 A **Yes. It was e-mailed, I never saw the hard copy. I saw**
20 **the PDF version of it.**

21 Q Was it a colored PDF?

22 A **Yes, ma'am.**

23 Q Let me find it. Did it look like the articles in this
24 Exhibit 726-L?

25 A **I'll wait for you to find it.**

MANFREDI-DIRECT-KOMATIREDDY

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- 1 MR. HALEY: May I get it for you?
- 2 MS. KOMATIREDDY: Yes.
- 3 (Handing magazine to Mr. Haley.)
- 4 MS. KOMATIREDDY: At this time, Your Honor, I'll
- 5 display on the monitor a time line of Mr. Manfredi's
- 6 testimony. We'll admit the exhibit later into evidence.
- 7 Q While Mr. Haley finds that for us. In 2002, is that
- 8 around the time you went to see this land for the first time?
- 9 A **It was around '02, yes.**
- 10 Q You said you met Mr. Kenner through mutual friends around
- 11 early '03?
- 12 A **That's accurate.**
- 13 Q After you met Mr. Kenner and discussed the property with
- 14 him, what did he discuss with you as the plan going forward?
- 15 A **The idea that we were to buy the property, subdivide it**
- 16 **and build homes on it.**
- 17 Q Okay. And acquired the property. Earlier you said you
- 18 found 258 acres of property. Was that the only property that
- 19 was in play at this point?
- 20 A **At that point, yes.**
- 21 Q Did you all consider any other property?
- 22 A **Yes. Subsequently, yes.**
- 23 Q Whose idea was that?
- 24 A **Mr. Kenner.**
- 25 Q What did he say?

MANFREDI-DIRECT-KOMATIREDDY

2916

- 1 A **Well, obviously, the views were breathtaking. And as I**
- 2 **said earlier, it was a once in a lifetime opportunity. He**
- 3 **indicated that he wanted me to see if there was any other**
- 4 **properties available nearby.**
- 5 Q Were there?
- 6 A **Yes.**
- 7 Q I'm going to hand you what's in evidence as Government
- 8 Exhibit 945. Do you recognize that?
- 9 A **Yes, ma'am.**
- 10 Q What is it?
- 11 A **It's a map that highlights three major property areas.**
- 12 Q Who created that map?
- 13 A **I did.**
- 14 Q When did you create it?
- 15 A **This was created, I believe, in 2005.**
- 16 Q What area of the world does it indicate?
- 17 A **This is the southern tip of the Big Island of Hawaii.**
- 18 Q It has thumbtacks on it. Did you place those there?
- 19 A **Yes, ma'am.**
- 20 Q And the text?
- 21 A **Yes, ma'am.**
- 22 Q So it's a true and accurate copy of a map that you
- 23 created in approximately 2005?
- 24 A **Yes, I believe it to be.**
- 25 MS. KOMATIREDDY: The government moves for the

MANFREDI-DIRECT-KOMATIREDDY

2917

- 1 admission of 945.
- 2 MR. LaRUSSO: No objection, Your Honor.
- 3 MR. HALEY: Join.
- 4 THE COURT: 945 is admitted.
- 5 (So marked as Government Exhibit 945 in evidence.)
- 6 Q Looking at this map, can you show us the first parcel of
- 7 land that you found with your friend? Where was that?
- 8 A **It was three parcels. It would be the one in the middle.**
- 9 **And the 258 acres is the southern most portion of that. And**
- 10 **the map is oriented with North at the top.**
- 11 Q Am I pointing to the right place over here?
- 12 A **Yes, ma'am.**
- 13 Q When you said Mr. Kenner proposed looking at additional
- 14 land, what was the additional land that he proposed looking
- 15 at?
- 16 A **Well, I made inquiries to the realtor at that time and**
- 17 **learned that approximately 1500 acres adjacent to the north**
- 18 **was also available.**
- 19 Q Is that 1500 acres on this map?
- 20 A **Yes, ma'am.**
- 21 Q What is it labeled as.
- 22 A **Honu'apo 1500.**
- 23 Q How long have you lived in Hawaii at this point?
- 24 A **Well, I moved there full-time late '06 or early '07.**
- 25 Q Are you familiar with the local language?

MANFREDI-DIRECT-KOMATIREDDY

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- 1 A **I'm not a master of it, no.**
- 2 Q Have you gained familiarity with it during the time
- 3 you've lived in Hawaii?
- 4 A **To a degree.**
- 5 Q Do you know what Honu'apo means in the local language?
- 6 A **Yes.**
- 7 Q What does it mean?
- 8 A **It mean trapped turtles.**
- 9 Q Trapped turtles?
- 10 A **Yes.**
- 11 Q What other land did Mr. Kenner propose making part of the
- 12 investment plan?
- 13 A **Well, I was still tasked with finding land. And through**
- 14 **the same realtor, I learned that a parcel approximately 2000**
- 15 **acres to the south along the shoreline was available.**
- 16 Q Is that parcel marked on that map?
- 17 A **Yes, ma'am.**
- 18 Q What is that called?
- 19 A **Waikapuna.**
- 20 Q What does Waikapuna mean?
- 21 A **Waikapuna means water of the spring.**
- 22 Q Any other parcels that you were considering investing in
- 23 at Mr. Kenner's suggestion?
- 24 A **There was another parcel of about 2,050 acres about ten**
- 25 **miles further to the north.**

MANFREDI-DIRECT-KOMATIREDDY

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1 Q Is that on that map as well?
2 A Yes.
3 Q What is called?
4 A Moaula Farm and Ranch.
5 Q What does moaula mean?
6 A It can mean one of two things. Either scorched by fire
7 or red chicken.
8 Q So you scouted out this land. Is that a fair
9 characterization what you were doing, looking for land?
10 A Looking for land was part of what I was doing, yes.
11 Q In terms of moving forward, what was your role in this
12 process?
13 A Well, I interacted with the realtor. And then,
14 ultimately, the seller directly. I would negotiate the land
15 sale contracts. And I would perform all due diligence on the
16 property to make sure that the titles were clear, checking the
17 entitlement, the zoning, the surveys, any environmental
18 issues. Talking to various planners, consultants, attorneys,
19 archaeologists, et cetera, et cetera.
20 Q How much time did you spend in Hawaii to perform those
21 function?
22 A Well, it was variable depending on what was going on. A
23 lot of it I was able to do from a remote location in New York
24 at that time. I still had a business in New York.
25 Q What was Mr. Kenner's role in the project?

MANFREDI-DIRECT-KOMATIREDDY

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1 A His role was to obtain the financing.
2 THE COURT: Is this a good point to break?
3 MS. KOMATIREDDY: It is a good point.
4 THE COURT: We will break. We will see you Monday
5 morning at 9:30. Just in terms of where we stand in the case,
6 so you know, as you know this is the fifth week, really the
7 fourth week of the trial since we lost a week, and we're
8 behind for one week. I spoke to the lawyers, and my
9 expectation is that the government is going to rest their case
10 sometime at the end of next week, and the defense case is
11 estimated to take one or two weeks.
12 So we are obviously behind the five week estimate
13 that I gave, and that's my fault. My estimate was not
14 accurate. I obviously do that to the best of my ability, but
15 there's a lot of variables. But I appreciate your patience
16 and your understanding. You've been great. And I know
17 Juror 12 moved something, Juror 10, I think, another juror
18 moved something as well. And I can't compliment you enough
19 for not only your willingness to serve, but to keep your life
20 on hold and move other things that you had scheduled. And the
21 lawyers and I are going to continue to work to make sure that
22 we get through the coming weeks efficiently.
23 So that's where we stand. Please don't read or
24 listen to anything discussing the case. Please don't discuss
25 the case. Have a good weekend and I'll see you on Monday

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1 morning.
2 (Whereupon the jury leaves the courtroom at 3:45
3 p.m.)
4 THE COURT: You can step down, Mr. Manfredi.
5 (Witness leaves the courtroom.)
6 THE COURT: Let's go through the lineup.
7 MR. MISKIEWICZ: After Mr. Manfredi, we have Bryan
8 Berard, Ron Richards. I have to advise the Court,
9 Mr. Richards has obtained a local attorney, Anthony LaPinta.
10 Mr. LaPinta's advised me Mr. Richards' intent to move to quash
11 our subpoena. He only recently accepted service through
12 Mr. LaPinta. I haven't seen a motion, but I anticipate
13 there's going to be a motion to quash. We had subpoenaed him,
14 basically, to testify about escrow account. We're not seeking
15 any attorney-client privileged communication between him and
16 anybody else. So I'm just giving you a heads up.
17 THE COURT: In case I can't decide it right away, I
18 don't know what the issue is going to be, you should have
19 someone else ready.
20 MR. MISKIEWICZ: We will. So we also have Lainey
21 Donlan. Tuesday, Glenn Murray, Rick Rosenbloom, who is
22 another airplane related witness. Steven Ross, whose the
23 attorney who was here once before. And then we're going to
24 say Wednesday, Thursday we'll have a forensic computer
25 examiner, Mr. Meshinsky from the FBI testifying about the

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1 laptop and its operability.
2 MR. HALEY: I thought we had a stipulation on that.
3 MR. MISKIEWICZ: That'd be great. We'll have
4 summary witnesses, Chris Petrellese from the FBI. John
5 Osborne, the handwriting analyst. And then Josh Wayne, our
6 special agent. Oh, and Jackson Stewart also. That would
7 either be -- we're still waiting to hear back from them. I
8 don't think it'll be Monday. It would be Tuesday or
9 Wednesday.
10 MR. HALEY: Your Honor, if I may, I have reviewed
11 the 3500 material with reference to Lainey Donlan. But I'd
12 simply ask the government make an offer of proof? I may have
13 side-bars to question the relevance under 403 analysis. What
14 is the offer of proof?
15 MR. MISKIEWICZ: The only thing we're going to offer
16 her for is her observation and discussions with Mr. Kenner
17 about his ability to mimic his clients' signatures, and her
18 observations in doing so.
19 MR. HALEY: Well, that's what I read in the 3500
20 material. My only concern is we -- if that's the proffer, we
21 may end up in a certain mini trial as relates to the
22 circumstances under which she claims that occurred, whether or
23 not other people were present, whether or not a notary was
24 present, things of that nature. That's my only concern about
25 it. It may become a little mini trial from the defense

WITNESSES

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1 perspective. I guess I'll address that in our defense.
 2 THE COURT: Yes. In terms of relevancy and
 3 materiality, I thought the issue of the signatures was an
 4 important part of the case. Obviously, you should prepare
 5 your case now on that.
 6 MR. HALEY: I will do that.
 7 THE COURT: Thank you. Have a good weekend.
 8 MR. LaRUSSO: Your Honor, I was going to ask about
 9 Mr. Stewart. I don't know, maybe we can find out who it is.
 10 Maybe I can stipulate. I don't know who it is. Mr. Stewart?
 11 THE COURT: Who is Jackson Stewart?
 12 MS. KOMATIREDDY: Jackson Stewart, Your Honor, is an
 13 individual who is the owner of Unitech Racing who also
 14 received proceeds from the Hawaii fraud through
 15 Mr. Constantine's personal accounts.
 16 THE COURT: Talk to --
 17 MR. LaRUSSO: I'll look at the 3500 material to see
 18 if there's a way to work it out. If not, thank you very much.
 19 THE COURT: Have a good weekend.
 20 MR. HALEY: Thank you, Your Honor.
 21 MS. KOMATIREDDY: Thank you, Your Honor.
 22 MR. MISKIEWICZ: Thank you, Your Honor.
 23 (Time Noted: 3:50 p.m.)
 24 (Matter adjourned to June 8, 2015 at 9:30 a.m.)
 25

WITNESSES

2924

1 **STEVEN RUCCHIN** 2749
 2 **CONTINUED DIRECT EXAMINATION** 2749
 3 **BY MS. KOMATIREDDY**
 4 **CROSS EXAMINATION** 2753
 5 **BY MR. HALEY**
 6 **CROSS EXAMINATION** 2779
 7 **BY MR. LARUSSO**
 8 **REDIRECT EXAMINATION** 2808
 9 **BY MS. KOMATIREDDY**
 10 **RECROSS-EXAMINATION** 2810
 11 **BY MR. HALEY**
 12 **RECROSS-EXAMINATION** 2810
 13 **BY MR. LARUSSO**
 14
 15 **WILLIAM RANFORD** 2812
 16 **DIRECT EXAMINATION** 2813
 17 **BY MR. MISKIEWICZ**
 18 **CROSS EXAMINATION BY** 2846
 19 **MR. HALEY**
 20 **CROSS-EXAMINATION** 2853
 21 **BY MR. HALEY**
 22 **CROSS-EXAMINATION** 2867
 23 **BY MR. LARUSSO**
 24 **REDIRECT EXAMINATION** 2892
 25
 25 **BY MR. MISKIEWICZ**

WITNESSES

2925

1 **WILLIAM RANFORD**
 2 **RECROSS EXAMINATION** 2905
 3 **BY MR. HALEY**
 4 **RECROSS EXAMINATION** 2908
 5 **BY MR. LARUSSO**
 6 **CHRIS MANFREDI** 2909
 7 **DIRECT EXAMINATION BY** 2909
 8 **MS. KOMATIREDDY:**
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GOVERNMENT EXHIBITS

2926

1
 2 **GOVERNMENT EXHIBIT 6601** 2840
 3 **GOVERNMENT EXHIBIT NO. 917** 2911
 4 **GOVERNMENT EXHIBIT 945** 2917
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DEFENDANT EXHIBITS

2927

| | | |
|----|---|------|
| 1 | DEFENDANT KENNER EXHIBIT C-172 | 2787 |
| 2 | DEFENDANT EXHIBIT C-175 | 2789 |
| 3 | DEFENDANT EXHIBITS 170, 171, 173, 174 | 2792 |
| 4 | DEFENDANT KENNER EXHIBIT 86 | 2848 |
| 5 | DEFENDANT'S EXHIBIT 87 WAS RECEIVED IN EVIDENCE | 2853 |
| 6 | DEFENDANT'S EXHIBIT KENNER 87 AND 88 WERE | 2865 |
| 7 | RECEIVED IN EVIDENCE | |
| 8 | DEFENDANT'S EXHIBIT C 177 WAS RECEIVED IN | 2872 |
| 9 | EVIDENCE | |
| 10 | DEFENDANT'S EXHIBIT C 180 WAS RECEIVED IN | 2874 |
| 11 | EVIDENCE | |
| 12 | DEFENDANT'S EXHIBIT C 177 AND C 169 WERE RECEIVED | 2878 |
| 13 | IN EVIDENCE | |
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